



**CITY COUNCIL
REVISED
BUSINESS MEETING AGENDA
KANNAPOLIS CITY HALL
401 LAUREATE WAY,
KANNAPOLIS NC
APRIL 24, 2023 6:30 PM**

Please Turn off Cell Phones or Place on Silent Mode.

CALL TO ORDER AND WELCOME

MOMENT OF SILENT PRAYER AND PLEDGE OF ALLEGIANCE

PROCLAMATIONS

1. Autism Awareness Month (Mayor Darrell Hinnant)
2. National Public Safety Telecommunicators Week (Mayor Darrell Hinnant)

ADOPTION OF AGENDA - Motion to Adopt Agenda or make revisions

CONSENT AGENDA - Motion to Adopt Consent Agenda or make revisions

1. HOME Project Budget Ordinance FY2022-2023 (Sherry Gordon, Community Development Program Administrator)
2. Resolution appointing Julie Long as Acting City Clerk (Bridgette Bell)
3. Resolution Adopting Ordinance Amending Kannapolis Code (Walter Safrit, City Attorney)
4. Bid Award Design Build Contract for River Pointe Subdivision emergency access bridge (Scott Kaufhold, Director of Engineering)
5. Bid Award Ruth Avenue Sidewalk Project. (Beth Hassenfritz)
6. Resolution of support NC Rural Transformation Grant Application (Irene Sacks, Director of Economic & Community Development)
7. March 13, 2023 Work Session Minutes (Bridgette Bell, City Clerk)
8. March 13, 2023 Business Meeting Minutes (Bridgette Bell, City Clerk)

9. March 13, 2023 Closed Session Minutes (Bridgette Bell, City Clerk)

BUSINESS AGENDA

- A. Continuation of case No. CZ-2022-08 - Conditional rezoning request - Trinity Church Road and Stirewalt Rd (Richard Smith, Planning Director)
- B. Public Hearing for Use of CDBG & HOME program funds FY 2023-2024 (July 1, 2023 - June 30, 2024) (Sherry Gordon, Community Development Program Administrator)
- C. Appoint a member of City Council as designated voting delegate for the NCLM Annual Business Meeting (Mike Legg, City Manager)
- D. Resolution adopting a revised City Council Meeting Schedule (Mike Legg, City Manager)

CITY MANAGER REPORT

CITY COUNCIL COMMENTS

SPEAKERS FROM THE FLOOR

Speakers From The Floor

CLOSED SESSION

ADA Notice and Hearing Impaired Provisions

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), anyone who requires auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service or activity of the City of Kannapolis, should contact the office of Tina H. Cline, Human Resource Director by phone at 704-920-4302 or email at tcline@kannapolisnc.gov as soon as possible, but no later than forty-eight (48) hours before the scheduled event.



Office of the Mayor
KANNAPOLIS, NORTH CAROLINA
P R O C L A M A T I O N
AUTISM AWARENESS MONTH

WHEREAS, Autism is a complex, lifelong neurobiological disorder that typically appears during the first three years of life and lasts throughout a person's lifetime; and

WHEREAS, early diagnosis, research, training, education, and therapy are vital to reducing the negative effects of Autism; and

WHEREAS, considerable progress has been made in the last 30 years in the areas of research, medication, diagnosis, and therapies for Autism, resulting in an improved quality of life for individuals and families living with Autism; and

WHEREAS, there is no single treatment for children with Autism, but in raising awareness and research funds brings a greater understanding of how Autism can be treated and comprehended.

NOW, THEREFORE, I, MILTON D. HINNANT, Mayor of the City of Kannapolis, by virtue of the authority vested in me as Mayor, do hereby proclaim April 2023 as Autism Awareness Month and urge our citizens to become educated on Autism and work with organizations on bettering the lives of children and families with Autism.



IN WITNESS WHEREOF I have set my hand and caused the Great Seal of the City of Kannapolis to be affixed this 24th day of April 2023.

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 Telecommunicators Week
April 9 - April 15, 2023***

WHEREAS, emergencies can occur at any time requiring the prompt response of law enforcement, firefighters, and paramedics; and is critical to the protection of life and preservation of property; and

WHEREAS, public safety dispatchers are the single vital link for our law enforcement and fire personnel by monitoring their activities by radio and other means of telecommunication equipment, providing them information, and ensuring their safety; and

WHEREAS, professional Public Safety Telecommunicators are more than a calm and reassuring voice at the other end of the phone, they are highly trained individuals, prepared and ready to ensure the safety of our police officers, firefighters and EMS personnel who dependent upon the quality and accuracy of information obtained from citizens that call the Kannapolis E-911 Communications Center; and

WHEREAS, each Public Safety Telecommunicator exhibits compassion, understanding and professionalism during the performance of their job. We owe a great debt to the men and women for the exceptional job they do each day in the field of emergency communications.

NOW, THEREFORE IT BE RESOLVED that the Mayor and City Council of the City of Kannapolis proclaim the week of April 9-15, 2023, as:

“TELECOMMUNICATOR WEEK”

in the City of Kannapolis and ask the citizens of Kannapolis to take time to acknowledge these dedicated telecommunicators and the magnificent work that these men and women do every day. Between the thin blue line and the thin red line, lies the thinnest gold line. This gold line represents those who rarely are seen, but mostly heard. Dispatchers are the golden glue that holds it all together.



IN WITNESS THEREFORE, I have set my hand and caused the Great Seal of the City of Kannapolis to be affixed this 24th day of April 2023

Milton D. Hinnant



Kannapolis City Council

City Council Agenda Staff Report

April 24, 2023

To: Mayor and City Council
From: Sherry Gordon, Community Development Program Administrator
Subject: HOME Project Budget Ordinance FY2022-2023

Action Requested by City Council

Motion to approve the FY 2022-2023 HOME Project Budget Ordinance Amendment

Required Votes to Pass Required Action

Majority Present at Meeting

Background

City Council approved the FY 2022-23 HOME program budget in the Annual Action Plan submitted to HUD. The City has since received a loan payment for the Prosperity Ridge Senior Housing project as required per agreement in the amount of \$6,116.00 which is program income as described in HUD regulations. The HOME program budget needs to be amended to reflect the payment.

Fiscal Implications

In order to begin expending the program income funds, the City must amend the Project Budget Ordinance as required by North Carolina law. The Budget Ordinance will govern the setting up of the accounting system for the project.

Policy Issues

None

Legal Issues

None

Recommendations and Alternate Courses of Action

- 1) **Approve the FY2022-2023 HOME Project Budget Ordinance Amendment (RECOMMENDED)**
- 2) Use the HOME funds for alternative activities as directed by Council.

Attachments

1. HOME Program Income- FY 23 Prosperity Ridge

**CITY OF KANNAPOLIS, NORTH CAROLINA
CABARRUS/IRDELL/ROWAN HOME CONSORTIUM GRANT PROGRAM
PROJECT BUDGET ORDINANCE AMENDMENT
FY 2022-2023**

BE IT ORDAINED by the City Council of the City of Kannapolis, North Carolina that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following Grant Project Budget Ordinance is hereby adopted:

Section 1. The project authorized is the Cabarrus/Iredell/Rowan HOME Consortium Program and the U.S. Department of Housing and Urban Development (HUD). The work statement contained in the Grant Agreement for new construction of Senior Housing Apartment project on Prosperity Ridge identified as program income.

Section 2. The City Manager is hereby directed to proceed with the Project with the North Carolina General Statutes, the terms of the Grant document(s) and the budget contained herein.

Section 3. The following revenues are anticipated to be available to complete this project:

HOME Program Income:	\$6,116
75000-33350-HPR23	

Total Revenues:	\$6,116
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Section 4. The following amount is appropriated for the project:

Rehabilitation Expenses	\$6,116
75000-51950-HPR23	

Total Expenditures:	\$6,116
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Section 5. The Finance Officer is hereby directed to maintain within the Grant Project sufficient specific detailed accounting records to provide for accounting to the City Council grantor agency required by the Grant Agreement(s) and federal and state regulations.

Section 6. The Finance Officer is directed to report quarterly on the financial status of each project element in Section 4 and on total grant revenues received or claimed.

Section 7. The Finance Officer is directed to include a detailed analysis of past and future costs and revenues on this project in every budget submission presented to City Council.

Section 8. The City Manager is hereby authorized to transfer funds from one line item to another line item without further approval by the City Council.

Section 9. Copies of this Grant Project Budget Ordinance shall be made available to the Finance Officer for direction in carrying out this project.

This Ordinance is approved and adopted this 24th day of April 2023.

Milton D. Hinnant, Mayor

ATTEST:

Bridgette Bell, MMC, NCCMC
City Clerk



Kannapolis City Council

City Council Agenda Staff Report

April 24, 2023

To: Mayor and City Council
From: Bridgette Bell
Subject: Resolution appointing Julie Long as Acting City Clerk

Action Requested by City Council

Motion to approve a Resolution for Appointment of Acting City Clerk

Required Votes to Pass Required Action

Majority Present at Meeting

Background

One of the duties of the City Clerk is to attest or authenticate authorized signatures for official City documents. The difficulty arises when the Clerk is unable or unavailable and no one has the authority to perform those functions. It is imperative that an Acting Clerk be appointed who can perform those limited duties during the temporary absence of the Clerk.

City Council appointed Becky Barbee as Acting City Clerk for the City of Kannapolis in the absence of the Clerk. Becky has since retired and it is recommended that Julie Long be appointed as Acting City Clerk. The only required action of an Acting City Clerk would be to attest, validate and verify signatures on official documents of the City.

Fiscal Implications

N/A

Policy Issues

N.A

Legal Issues

N/A

Recommendations and Alternate Courses of Action

1. **Motion to approve a Resolution for the Appointment of Acting City Clerk (Recommended)**
2. Amend and then approve the Resolution.
3. Reject the Resolution.
4. Table action to a future meeting.

Attachments

1. Resolution appointing Acting City Clerk

**KANNAPOLIS CITY COUNCIL
RESOLUTION**

WHEREAS, North Carolina General Statutes Section 160A-171 provides that “There shall be a city clerk who shall give notice of meetings of the council, keep a journal of the proceedings of the council, be the custodian of all city records and shall perform any other duties that may be required by law or the council”; and

WHEREAS, in the event the City Clerk is unable or unavailable to perform the duties of his or her office it is imperative that an Acting Clerk be available for authentication and attestation of authorized signatures, administration of oaths of office and the recording minutes of official meeting on a temporary basis until such time that the Clerk is able to resume performance of such duties; and

WHEREAS, the City Council finds that one or more acting city clerks to perform these limited duties is vital to the efficient operation of City functions during the temporary absence of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Kannapolis City Council as follows:

1. Julie E. Long is hereby appointed as Acting City Clerk for the City of Kannapolis in the absence of the City Clerk for the performance of the duties stated herein.
2. The parties named above agree to perform the duties of Acting City Clerk as specified by City Council.
3. This Resolution shall become effective immediately upon its adoption.

Adopted this the 24th day of April, 2023.

Milton D. Hinnant, Mayor

Bridgette Bell, MMC, NCCMC
City Clerk



Kannapolis City Council

City Council Agenda Staff Report

April 24, 2023

To: Mayor and City Council
From: Walter Safrit, City Attorney
Subject: Resolution Adopting Ordinance Amending Kannapolis Code

Action Requested by City Council

Motion to Approve Resolution Adopting Ordinance

Required Votes to Pass Required Action

Requires 2/3's vote or 5 votes

Background

The City Council adopted an ordinance on September 27, 2021, creating a Social District in the West Avenue area of the downtown pursuant to NC legislation Session Law 2021-150. In 2022, the legislature amended the statutes to provide that a business located within or adjoining the Social District could allow a customer to possess and consume on its premises alcoholic beverages purchased from an ABC permittee located in the Social District subject to the City's approval. The proposed ordinance amendment allows this in the West Avenue Social District. The amendment does require a business to post a sign if consumption on its premises is not allowed.

Fiscal Implications

None

Policy Issues

Proposed change is consistent with current policy for the Kannapolis Downtown Social District

Legal Issues

The General Statute authorizing the proposed amendment to the Social Policy requires City Council approval to enact

Recommendations and Alternate Courses of Action

1. Approve Resolution (Recommended)
2. Amend Resolution then Approve
3. Fail to Approve Resolution
4. Continue the matter to a future meeting

Attachments

1. Resolution (ABC Social Districts- amending Chapter 12, Article V, by addition of Sec 74) 4-10-23
2. Ordinance (Chapter 12 Parks & Recreation Amendments) 4-10-2023

RESOLUTION

WHEREAS, Session Law 2021-150 for ABC Social Districts was ratified on September 8, 2021; and

WHEREAS, the law allows governing bodies of local government units to establish Social Districts and commons areas where Permittees may sell alcoholic beverages in designated cups to be taken into the common area for consumption; and

WHEREAS, the Kannapolis West Avenue Social District was created by the City by Ordinance on September 27, 2021; and

WHEREAS, the City Council finds that it is necessary, appropriate and in the best interests of the citizens and businesses of the City of Kannapolis to amend Chapter 12, Article V “Social Districts”, by the addition of Sec. 74 to permit circumstances where business owners within or adjoining the West Avenue Social District may allow customers to possess and consume alcoholic beverages on such owner’s premises.

NOW, THEREFORE, BE IT RESOLVED, the City Council does hereby adopt and approve the Resolution adopting the Ordinance amending Chapter 12, Article V of the Kannapolis Code, by the addition of Section 74 as provided therein, a copy of which is attached hereto.

Adopted the 24th day of April, 2023.

Milton D. Hinnant
Mayor

ATTEST:

Bridgette Bell, MMC, NCCMC
City Clerk

**ORDINANCE
KANNAPOLIS CITY COUNCIL**

BE IT ORDAINED by the City Council of the City of Kannapolis that Chapter 12, “Parks and Recreation” is hereby amended as follows:

1. Chapter 12, Article V “SOCIAL DISTRICTS” is hereby amended by the addition of Section 74 as follows:

“Sec. 74. Entry Allowed or Denied in Certain Premises

- a) A permittee or non-permittee business within or contiguous to the Social District may allow a customer to possess and consume on the business’s premises alcoholic beverages purchased from a permittee in the Social District.
- b) A non-permittee business that is within or contiguous to a Social District and that allows customers to bring alcoholic beverages onto its premises shall clearly post signage on any exits that do not open to the Social District indicating that alcoholic beverages may not be taken past that point.
- c) A non-permittee business which does not allow customers to bring alcoholic beverages onto its premises shall clearly post signage prohibiting entry with alcoholic beverages.
- d) During the days and hours when the Social District is active, a non-permittee business that allows customers to bring alcoholic beverages onto its premises shall allow law enforcement officers access to the areas of the premises accessible by customers.”

2. This Amendment shall take effect upon its adoption.

Adopted this ____ day of April, 2023.

Milton D. Hinnant, Mayor

Bridgette Bell, MMC, NCCMC
City Clerk



Kannapolis City Council

City Council Agenda Staff Report

April 24, 2023

To: Mayor and City Council
From: Scott Kaufhold, Director of Engineering
Subject: Bid Award Design Build Contract for River Pointe Subdivision emergency access bridge

Action Requested by City Council

1. Motion to award a design-build contract to R.E. Burns & Sons Co., Inc. for the repair of the emergency access bridge near Kingsview Drive for the Farm at River Pointe Subdivision in the amount of \$227,145.00.

Required Votes to Pass Required Action

Majority Present at Meeting

Background

During the initial construction of the Farm at River Pointe Subdivision, the developer was required to install a temporary secondary access connecting to Kingsview Drive to provide emergency access to the subdivision in the event the primary access becomes impassable. The secondary access includes a temporary bridge over a small tributary which over time has eroded and compromised the integrity of the structure to a point that it is unsafe for emergency vehicles to utilize. To address the erosion issues, the existing bridge will be removed and the abutments on each side of the stream will be stabilized to provide adequate support for the structure. To expedite the repairs, a design-build contract was necessary to reestablish the secondary access connection to Kingsview Drive.

Due to the condition of the temporary secondary access, the City stopped further development in the subdivision until repairs were made to the temporary access road and structure. In February 2022, the City entered into agreement with Farm P4 Partners, LLC which required the developer to make improvements to the existing roadways within the subdivision, improve the condition of the temporary access road, and participate in the repairs to the temporary bridge. The agreement allows Farm P4 Partners to continue development subject to the aforementioned improvements being complete.

At the June 13, 2022 Council Meeting, City Council approved the design-build delivery method to be used for the repair of this bridge. The City advertised and received design-build statements of qualification for this project on July 27, 2022. Only two responses were received; therefore the City readvertised and received the same two responses on August 17, 2022. City Staff evaluated the responses and selected R.E. Burns & Sons Co., Inc. as the most qualified respondent.

Fiscal Implications

In accordance with the executed agreement entered into with Farm P4 Partners, the City of Kannapolis is responsible for 50% of the cost associated with the repair of the temporary bridge that was originally estimated at \$196,150.00. The agreement stipulated that if the cost exceeded the estimated amount, the City would be responsible for all cost over the developer's cost share of \$100,000. Therefore, with the design-build contract cost from R.E. Burns & Sons Co., Inc at \$227,145.00, the City will be responsible for \$127,145.00 for this project.

Policy Issues

In accordance with NCGS 143-128.1A, Council approved the design-build delivery method for this construction contract at the June 13, 2022, meeting.

Legal Issues

In accordance with NCGS 143-128.1A, Council approved the design-build delivery method for this construction contract at the June 13, 2022, meeting.

Recommendations and Alternate Courses of Action

1. **Motion to award a design-build contract to R.E. Burns & Sons Co., Inc. for the repair of the emergency access bridge near Kingsview Drive for the Farm at River Pointe Subdivision in the amount of \$227,145.00 (Recommended)**
2. Take no action.
3. Table action to a future meeting.

Attachments

1. KDB - Proposal



R. E. BURNS & SONS CO., INC.

P.O. BOX 7168 STATESVILLE, N.C. 28687
PHONE (704) 924-8646 FAX (704) 924-8607

Mr. David Lipe, P.E.
Alley, William, Carmen, & King, Inc.
120 South Main Street
Kannapolis, NC 28082

January 30, 2023

RE: The Farm at Riverpointe Emergency Access Bridge

Mr. Lipe,

We offer the following proposal to perform the Design-Build Services for the repair of the Emergency Access Bridge near Kingsview Drive. The work will cover the Scope of Work detailed as Exhibit A attached to this Proposal.

The Design Build Team of R. E. Burns & Sons Co., Inc. and TGS Engineer will perform this work for a Lump Sum Price of \$ 227,145.00. This project can be completed within 90 days of a notice to proceed.

We have attached Affidavit B –Intent to Perform Contract with our own Workforce.

We have reviewed your Service Contract and have no objections using it for this contract without any modifications.

Thank you for this opportunity.

Sincerely;
R. E. Burns & Sons Co., Inc.

Kevin C. Burns
President

Attachment

Exhibit A- Scope of Services

Design-build (DB) Services for the repair of the emergency access bridge near Kingsview Drive for the Farm at River

Pointe subdivision in Kannapolis, NC. During the initial construction of the Farm at River Pointe Subdivision, the developer was required to install a temporary secondary access connecting to Kingsview Drive to provide emergency access to the subdivision in the event the primary access becomes impassable. The secondary access includes a temporary bridge over a small tributary which over time has eroded and compromised the integrity of the structure to a point that it is unsafe for emergency vehicle to utilize. To address the erosion issues, the existing bridge will be removed and the abutments on each side of the stream will be stabilized to provide adequate support for the structure. After the abutments are stabilized, the existing bridge will be re-set on the abutments and the wood deck replaced.

DB Scope of Services will be as follows:

- Provide design build services including survey, design development and construction documents, cost estimating, value engineering, constructability reviews, scheduling, applying for and obtaining permits, etc.
- Construction of the project including but not limited to all labor and materials to perform the construction work in accordance with this RFQ.
- Preparation of shop drawings and submittals.
- Provide construction management and general contracting services.
- Provide record documents of as-built conditions on the project.

Anticipated Project Completion within 270 days of the execution of the contract.

Exhibit D-HUB FORMS (AFFIDAVIT B, AFFIDAVIT D, APPENDIX E)

**CITY OF KANNAPOLIS--AFFIDAVIT B--Intent to Perform Contract
with Own Workforce.**

Affidavit of R. E. Burns and Sons Co., Inc.

(Name of Bidder)

I hereby certify that it is our intent to perform 100% of the work required for the EMERGENCY ACCESS

BRIDGE - THE FARM AT Riverpointe.

(Name of Project)

contract.

In making this certification, the Bidder states that the Bidder does not customarily subcontract elements of this type project, and normally performs and has the capability to perform and will perform all elements of the work on this project with his/her own current work forces; and

The Bidder agrees to provide any additional information or documentation requested by the owner in support of the above statement.

The undersigned hereby certifies that he or she has read this certification and is authorized to bind the Bidder to the commitments herein contained.

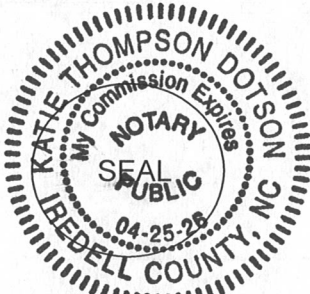
Date: 1-30-2023 Name of Authorized Officer: KEVIN C. Burns

Signature:

KCBurns

Title:

Pres.



State of North Carolina, County of Iredell

Subscribed and sworn to before me this 30th day of January 2023

Notary Public Kate Turner DeB

My commission expires April 25, 2026



Kannapolis City Council

City Council Agenda Staff Report
April 24, 2023

To: Mayor and City Council
From: Beth Hassenfritz
Subject: Bid Award Ruth Avenue Sidewalk Project.

Action Requested by City Council

Motion to award the Ruth Avenue Sidewalk Project contract to the lowest responsible bidder, Carolina Siteworks, Inc. in the amount of \$319,544.50 and authorize the City Manager to execute the contract.

Required Votes to Pass Required Action

Majority Present at Meeting

Background

The Ruth Avenue Sidewalk Project is along Ruth Avenue between Lane Street and Venus Street.

The goal of this project is to create connectivity between the Little Texas Road Sidewalk Project (EB-5844), which terminates on Ruth Avenue on the south side of Lane Street, and Jackson Park Elementary School.

The proposed project will install of 635 linear feet of concrete sidewalk and curb and gutter. In addition, it will replace approximately 300 linear feet of 2" galvanized water main while repairing /widening approximately 600 linear feet of roadway.

Bids for the Project were opened March 23, 2023. A total of two (2) bids were received as follows:

CONTRACTORS	TOTAL BID AMOUNTS
NJR Group	\$650,897.50
Carolina Siteworks, Inc.	\$319,544.50

Fiscal Implications

Funding for this project will come from budgeted Community Development Block Grant (CDBG) funds Infrastructure line item. This project falls within our Community Development Annual Action plan to provide sidewalk connectivity in low/mod areas with proximity to Kannapolis city schools.

Policy Issues

City Council approval is required prior to the City entering a construction contract with Carolina Siteworks, Inc.

Legal Issues

None

Recommendations and Alternate Courses of Action

1. **Approve the construction contract between the City of Kannapolis and Carolina Siteworks, Inc. and authorize the City Manager to execute the contract.
(Recommended)**
2. Take no action.
3. Table to future meeting.

Attachments

1. Certified Bid Tab
2. Ruth Ave Sidewalk-signed

CONTRACT : Ruth Ave Sidewalk
CERTIFIED BID TABULATION

OWNER: CITY OF KANNAPOLIS
 401 LAUREATE WAY
 KANNAPOLIS, NORTH CAROLINA 28081
 Page 1 OF 1



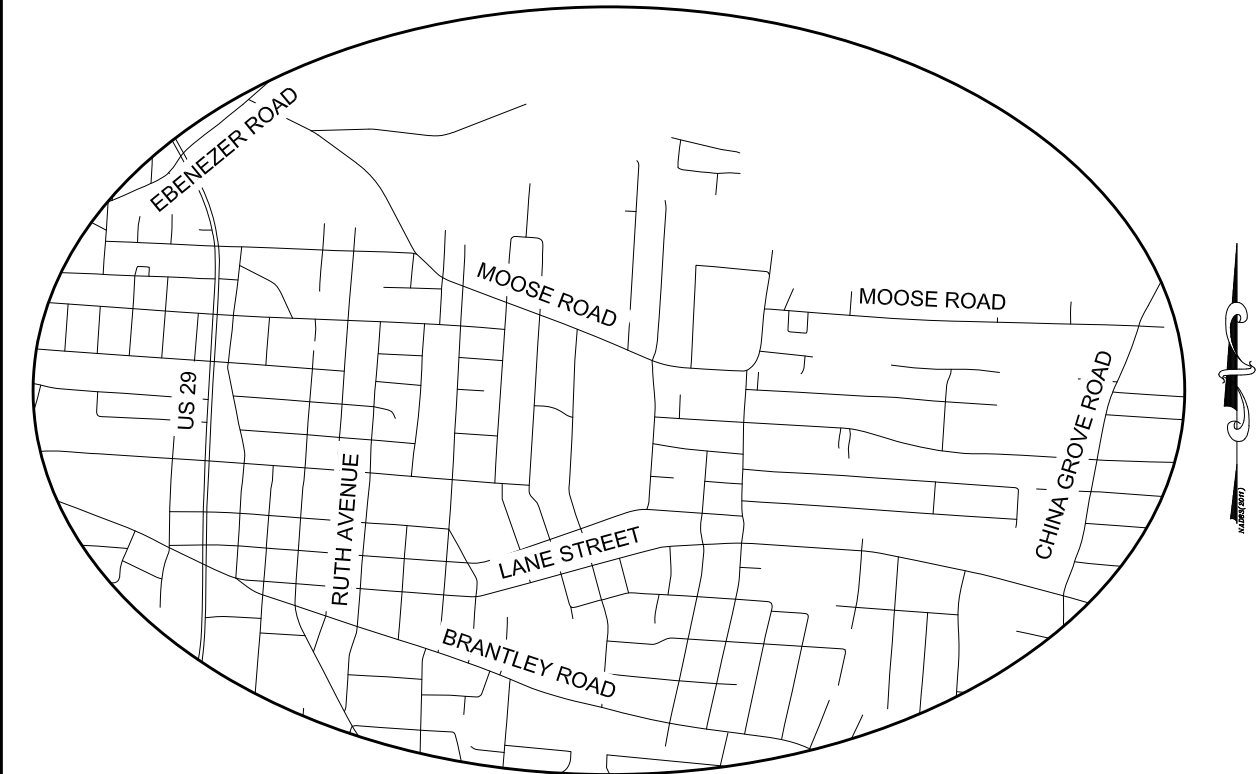
BID DATE: March 23, 2023 at 2:00 PM				NJR Group PO Box 924 Albemarle, NC 28002		Carolina Siteworks PO Box 280 China Grove, NC 28023		ENGINEERS ESTIMATE	
ITEM NO.	DESCRIPTION	QUANTITY	UNITS	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1	Mobilization	1	LS	\$ 35,000.00	\$ 35,000.00	\$ 14,431.00	\$ 14,431.00	\$7,500.00	\$ 7,500.00
2	Comprehensive Grading	1	LS	\$ 195,000.00	\$ 195,000.00	\$ 64,188.00	\$ 64,188.00	\$15,000.00	\$ 15,000.00
3	Undercut Excavation	100	CY	\$ 25.00	\$ 2,500.00	\$ 46.00	\$ 4,600.00	\$50.00	\$ 5,000.00
4	Geotextile for Soil Stabilization	100	SY	\$ 5.00	\$ 500.00	\$ 3.00	\$ 300.00	\$10.00	\$ 1,000.00
5	Asphalt Conc Base Course, Type B25.0C	120	TN	\$ 150.00	\$ 18,000.00	\$ 215.00	\$ 25,800.00	\$150.00	\$ 18,000.00
6	Asphalt Conc Intermediate Course, Type I19.0C	185	TN	\$ 150.00	\$ 27,750.00	\$ 185.00	\$ 34,225.00	\$150.00	\$ 27,750.00
7	Asphalt Conc Surface Course, Type S9.5B	136	TN	\$ 150.00	\$ 20,400.00	\$ 188.00	\$ 25,568.00	\$150.00	\$ 20,400.00
8	Milling Asphalt pavement (1-1/2")	600	SY	\$ 25.00	\$ 15,000.00	\$ 0.50	\$ 300.00	\$10.00	\$ 6,000.00
9	2'-6" Concrete Curb and Gutter	640	LF	\$ 45.00	\$ 28,800.00	\$ 38.50	\$ 24,640.00	\$50.00	\$ 32,000.00
10	4" Concrete Sidewalk	360	SY	\$ 90.00	\$ 32,400.00	\$ 76.00	\$ 27,360.00	\$75.00	\$ 27,000.00
11	Concrete Wheelchair Ramps	4	EA	\$ 2,000.00	\$ 8,000.00	\$ 2,000.00	\$ 8,000.00	\$1,500.00	\$ 6,000.00
12	6" Concrete Driveway	115	SY	\$ 125.00	\$ 14,375.00	\$ 115.00	\$ 13,225.00	\$120.00	\$ 13,800.00
13	2" SDR-13.5 water	300	LF	\$ 80.00	\$ 24,000.00	\$ 32.00	\$ 9,600.00	\$65.00	\$ 19,500.00
14	3/4" copper service	60	LF	\$ 150.00	\$ 9,000.00	\$ 39.00	\$ 2,340.00	\$50.00	\$ 3,000.00
15	3/4" Saddle and Corporation stop	2	EA	\$ 6,500.00	\$ 13,000.00	\$ 240.00	\$ 480.00	\$500.00	\$ 1,000.00
16	3/4" water meter assembly	2	EA	\$ 5,500.00	\$ 11,000.00	\$ 1,304.00	\$ 2,608.00	\$500.00	\$ 1,000.00
17	Relocate sewer cleanout	1	EA	\$ 6,000.00	\$ 6,000.00	\$ 600.00	\$ 600.00	\$250.00	\$ 250.00
18	Tree Removal 6" -12" Diameter	2	EA	\$ 2,000.00	\$ 4,000.00	\$ 3,090.00	\$ 6,180.00	\$1,500.00	\$ 3,000.00
19	Tree Removal 25" -36" Diameter	3	EA	\$ 4,000.00	\$ 12,000.00	\$ 3,090.00	\$ 9,270.00	\$3,000.00	\$ 9,000.00
20	Tree Removal larger than 36" Diameter	2	EA	\$ 5,000.00	\$ 10,000.00	\$ 3,090.00	\$ 6,180.00	\$3,500.00	\$ 7,000.00
21	Relocate existing fence	200	LF	\$ 100.00	\$ 20,000.00	\$ 30.00	\$ 6,000.00	\$30.00	\$ 6,000.00
22	Traffic Control	1	LS	\$ 85,000.00	\$ 85,000.00	\$ 4,600.00	\$ 4,600.00	\$7,500.00	\$ 7,500.00
				SUB TOTAL		\$ 591,725.00		\$ 290,495.00	
				10% CONTINGENCY		\$ 59,172.50		\$ 29,049.50	
				TOTAL PROJECT BID		\$ 650,897.50		\$ 319,544.50	

Variance from Engineer's Estimate	149.99%	22.73%
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I HEREBY CERTIFY THIS BID TAB TO BE A TRUE
 AND ACCURATE COPY OF THE BIDS RECEIVED:

Burt Zant

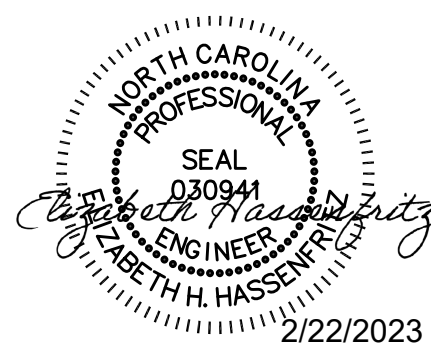
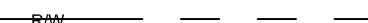
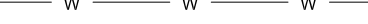
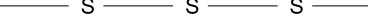
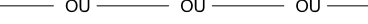
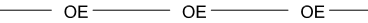
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Cover Sheet.....	1
General Notes and Typical Sections.....	2
Plan and Profiles.....	3-4
Cross Sections.....	X1-X3
Total Sheets 7	

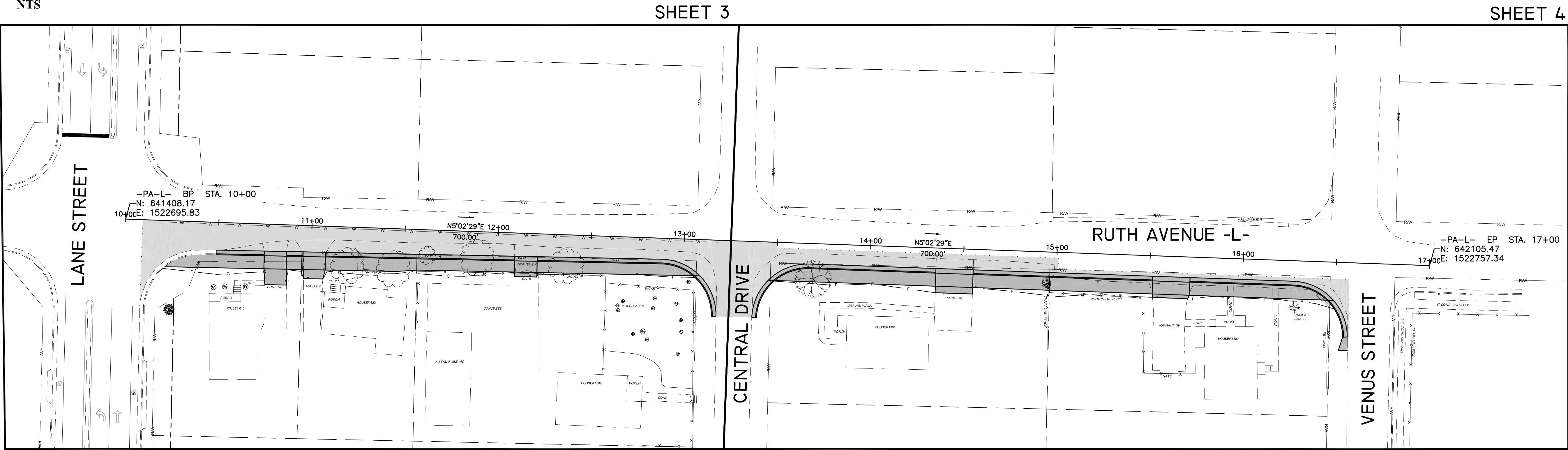


VICINITY MAP
NTS



Construction Plans of Proposed
Ruth Avenue Sidewalk Project

PE SEAL	CONVENTIONAL SIGNS
	Maintained R/W Line..... 
	Existing Property Line..... 
	Existing Structures..... 
	Proposed Edge of Pavement..... 
	Slope Stake Line..... 
	Temporary Construction Easement..... 
	Sidewalk Utility Easement..... 
	Existing Water Line..... 
	Existing Sanitary Sewer..... 
	Existing Underground Utility..... 
	Existing Overhead Utility..... 
	Existing Ditch..... 
	Existing Storm Drainage..... 
	Existing Water Meter..... 
	Existing Water Valve..... 
Existing Sanitary Sewer Manhole..... 	
Existing Utility Pole..... 	
Proposed Curb & Gutter, Conc. Drive, Sidewalk..... 	
Proposed Asphalt Pavement..... 	



LOCATION MAP
NTS

PLANS PREPARED BY:

City of Kannapolis
Engineering Department
401 Laureate Way
Kannapolis, North Carolina 28081
704-920-4300

PROJECT LENGTH = 635 LINEAR FEET
2018 NCDOT STANDARD SPECIFICATIONS

GRAPHIC SCALES	
Plan View.....	
Horz. Profile.....	
Vert. Profile.....	
Cross Section.....	

APPROVED _____
CITY ENGINEER DATE

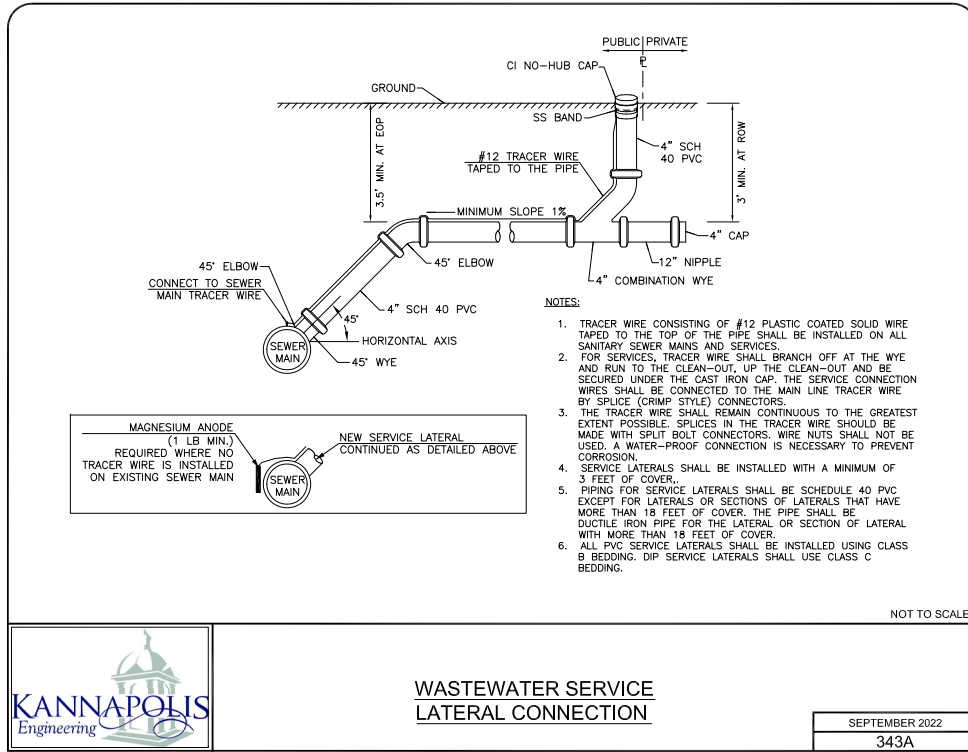
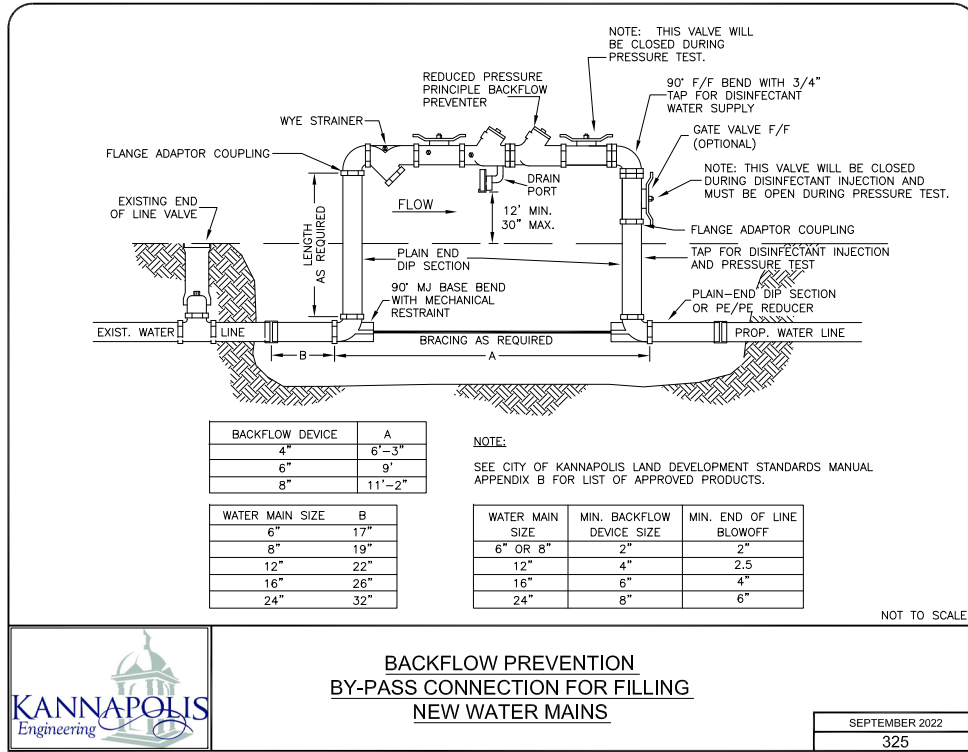
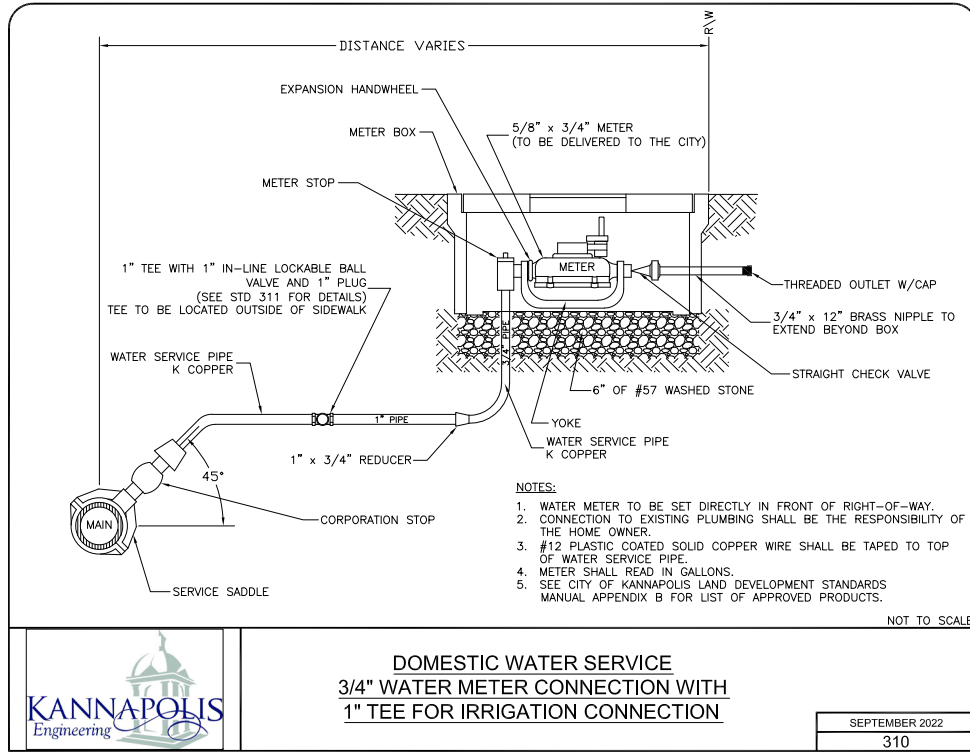
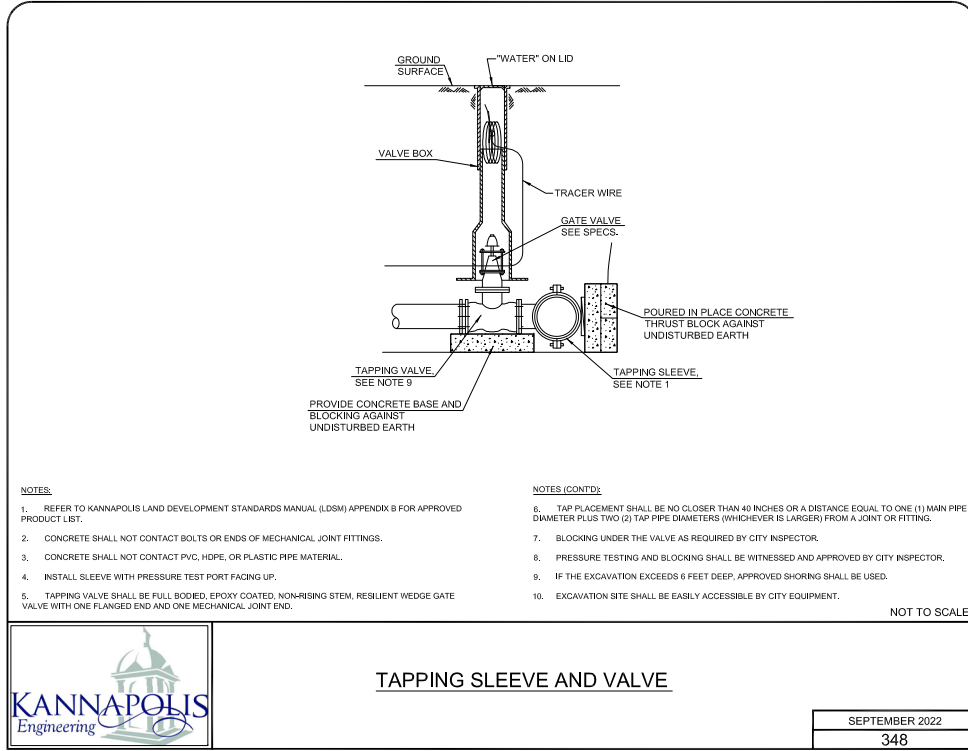
GENERAL NOTES

SITE PLAN NOTES:

1. THE CITY OF KANNAPOLIS LAND DEVELOPMENT STANDARDS AND NCDOT STANDARD SPECIFICATIONS ARE USED FOR CONSTRUCTION OF THE ROADWAYS, INCLUDING THE NCDOT SUPERPAVE MANUAL.
2. SECTION 1018 OF THE NCDOT STANDARD SPECIFICATIONS WILL BE USED FOR THE ACCEPTANCE OF BORROW MATERIAL BEING USED FOR EMBANKMENTS BACKFILL OR OTHER INTENDED USES.
3. A 16 BUSINESS HOUR NOTICE FOR SCHEDULING IS REQUIRED FOR THE PROOF ROLL. PLEASE ALLOW ADEQUATE TIME FOR THE INSPECTOR TO PERFORM GRADE CHECKS ON THE SUBGRADE AND ABC. A PROOF ROLL WILL BE PERFORMED PRIOR TO THE PLACEMENT OF CURB AND GUTTER, THE PLACEMENT OF ABC, AND/OR THE PLACEMENT OF ASPHALT.
4. AGGREGATE BASE COURSE SHALL BE PROVIDED FROM APPROVED SOURCES AS OUTLINED IN SECTION 1010 OF THE NCDOT STANDARD SPECIFICATIONS.
5. A PRE-PAVING MEETING WILL BE REQUIRED PRIOR TO ANY PAVING.
6. A NCDOT APPROVED JOB MIX FORMULA SHALL BE SUBMITTED FOR APPROVAL PRIOR TO PAVING.
7. ASPHALT MIXES AND DEPTHS WILL ADHERE TO THE TYPICAL SECTION FOR ROADWAYS APPROVED IN THE CONSTRUCTION DRAWINGS. MINIMUM DEPTHS UNLESS OTHERWISE NOTED WILL BE 2-1/2" OF 1 19.0C PLACED IN ONE LIFT AND 2" OF S 9.5B PLACED IN TWO LIFTS. THE FIRST LIFT OF S 9.5B WILL BE PLACED IMMEDIATELY ON THE 1 19.0C, AND THE SECOND LIFT WILL BE PLACED PRIOR TO ACCEPTANCE OF THE ROAD. DRAINAGE WILL BE REQUIRED ON THE ROADWAY DURING TRANSITION OF THE TWO LIFTS OF S 9.5B.
8. A PRE-POC MEETING WILL BE REQUIRED PRIOR TO ANY CONCRETE POURS.
9. A NCDOT APPROVED MIX DESIGN SHALL BE SUBMITTED ON A NCDOT FORM 312U PRIOR TO PLACING ANY CONCRETE.
10. REFER TO DETAIL SHEETS FOR THE PROPER INSTALLATION REQUIREMENTS FOR STORM PIPING USING NCDOT STANDARD DRAWING 300.01.
11. THE CONTRACTOR SHALL BE REQUIRED TO SUBMIT A VIDEO OF THE STORM SYSTEM PRIOR TO ACCEPTANCE OF THE SYSTEM. IN NEW SUBDIVISIONS, TWO (2) VIDEOS OF THE STORM SYSTEM SHALL BE REQUIRED. THE FIRST VIDEO IS REQUIRED TO BE PERFORMED PRIOR TO THE FIRST PROOF ROLL. THE SECOND VIDEO IS REQUIRED AFTER THE INSTALLATION OF DRY UTILITIES, BUT PRIOR TO ACCEPTANCE OF THE STREETS BY THE CITY OF KANNAPOLIS.
12. AN EROSION CONTROL PERMIT IS REQUIRED ON-SITE DURING CONSTRUCTION. NCDOT WILL BE INSPECTING THE PROJECT FOR COMPLIANCE WITH THE EROSION CONTROL PLAN IF DISTURBING MORE THAN 1 ACRE. THE CITY WILL BE INSPECTING THE PROJECT FOR COMPLIANCE WITH THE EROSION CONTROL PLAN.
13. IF THE APPROVED TYPICAL SECTION INCLUDES A SHOULDER BEHIND THE CURB AND GUTTER ON BOTH SIDES OF THE ROADWAY, THE SHOULDER MUST BE PRESERVED DURING GRADING OF ADJACENT PROPERTIES.
14. ONLY STREET LEGAL VEHICLES, LEGALLY LOADED APPROPRIATELY FOR THE HAULING VEHICLE, SHALL BE USED TO TRANSPORT CONSTRUCTION MATERIALS ON CITY STREETS.
15. NOTIFY THE CITY OF ANY WORK BEING PERFORMED ON THE WEEKENDS. NO WORK REQUIRING TESTING OR OBSERVATION BY THE CITY WILL BE PERMITTED WITHOUT WRITTEN PERMISSION.
16. NOISE ORDINANCE: 7:00AM TO 9:00PM – WEEKDAYS, 8:00AM TO 9:00PM WEEKENDS.

UTILITY PLAN NOTES:

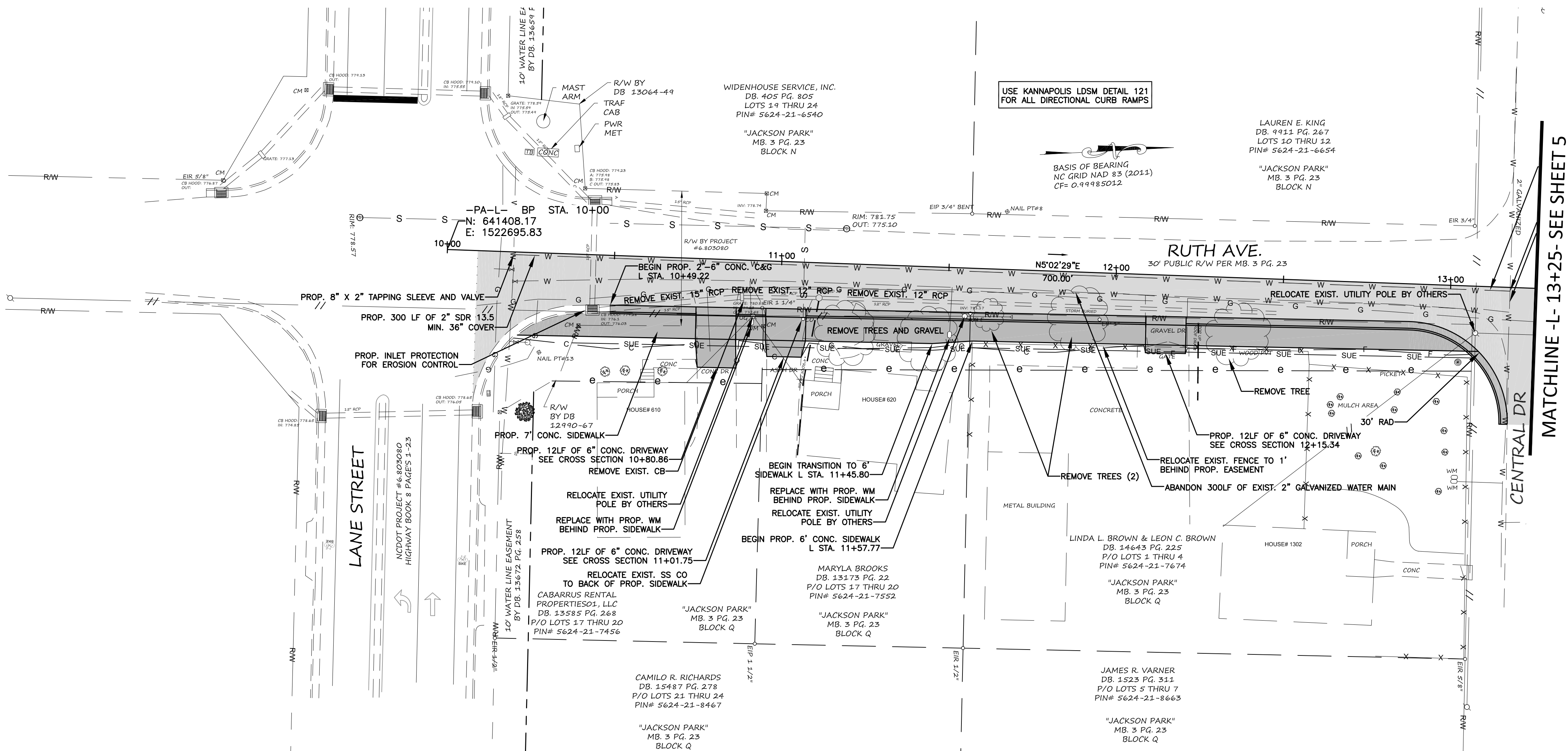
1. ALL WATER MAIN AND SANITARY SEWER WORK SHALL BE IN ACCORDANCE WITH THE CITY OF KANNAPOLIS LAND DEVELOPMENT STANDARDS AND STANDARD SPECIFICATIONS FOR WASTEWATER COLLECTION AND DISTRIBUTION FOR THE WATER AND SEWER AUTHORITY OF CABARRUS COUNTY (WSACC). THE CONTRACTOR SHALL HAVE A COPY OF THESE SPECIFICATIONS ON-SITE AT ALL TIMES.
2. ALL EXISTING WATER AND SEWER MAINS ARE OWNED AND OPERATED BY THE CITY OF KANNAPOLIS. THE SITE INSPECTOR MUST BE CONTACTED AS LEAST 48 HOURS PRIOR TO MAKING ANY CONNECTION TO THE EXISTING SYSTEM.
3. SANITARY SEWER LATERALS AND WATER METER LOCATIONS ARE APPROXIMATE AND ARE SUBJECT TO RELOCATION DUE TO FIELD LOCATIONS. UNDER NO CIRCUMSTANCE WILL CLEANOUTS AND METERS BE LOCATED IN DRIVEWAYS, SIDEWALKS, OR UNDER PAVEMENT OF ANY TYPE.
4. WATER METERS SHALL MEET CITY OF KANNAPOLIS STANDARDS. THE CONTRACTOR IS RESPONSIBLE FOR INSTALLING METER BOXES AND PURCHASING METERS. THE CONTRACTOR SHALL COORDINATE WITH THE SITE INSPECTOR TO HAVE WATER METERS DELIVERED TO THE CITY OF KANNAPOLIS.
5. THE DEVELOPER WILL BE RESPONSIBLE FOR PAYING APPLICABLE WATER AND SEWER CONNECTION FEES BEFORE ZONING CLEARANCE PERMITS ARE ISSUED.
6. THE CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING ALL APPROPRIATE PARTIES ASSURING THAT UTILITIES ARE LOCATED PRIOR TO COMMENCEMENT OF CONSTRUCTION. CALL NORTH CAROLINA 811 (1-800-632-4949) FOR UTILITY LOCATING SERVICES AS REQUIRED BY LAW PRIOR TO COMMENCEMENT OF ANY WORK. THE CONTRACTOR SHALL VERIFY LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR SEWER OVERFLOWS THAT OCCUR DUE TO ACTIVITIES INITIATED BY THEM AND SHALL BE RESPONSIBLE FOR, BUT NOT LIMITED TO, THE COSTS ASSOCIATED WITH PERFORMING REMEDIAL WORK OF/FOR ENVIRONMENTAL IMPACTS AND/OR THE PAYING OF FINES ASSESSED BY REGULATORY AGENCIES AND/OR THIRD PARTY CLAIMS.
8. WATER AND SEWER MAINS SHALL HAVE A MINIMUM COVER OF 36 INCHES.
9. BEDDING FOR PVC SEWER MAINS AND LATERALS SHOULD BE WSACC CLASS B BEDDING.
10. UNLESS OTHERWISE NOTED, WATERLINES SHALL BE PVC C900 FOR 6"-12" DIAMETER AND PVC SDR 13.5 FOR 2"-4" DIAMETER PER WSACC STANDARDS.
11. UNLESS OTHERWISE NOTED, SEWER MAINS SHALL BE PVC SDR 35 PER WSACC STANDARDS.
12. LATERALS SHALL HAVE A NO-HUB CAP AND STAINLESS-STEEL NO-HUB BAND AT THE CLEANOUT.
13. DUCTILE IRON PIPE SHALL BE REQUIRED FOR BOTH WATER AND SANITARY SEWER IF THE FOLLOWING CLEARANCES ARE NOT MET:
 - WATERLINE CROSSING UNDER SANITARY SEWER (FOR ANY CLEARANCE)
 - 18-INCH VERTICAL CLEARANCE FOR WATERLINE INSTALLED ABOVE SEWER LINE
 - 10-FOOT HORIZONTAL SEPARATION FOR WATERLINE PARALLEL TO SEWER LINE (OR 18-INCH VERTICAL SEPARATION IN SEPARATE DITCHES)
 - FOR WATERLINE, 18-INCH CLEARANCE WITH STORM DRAINS
 - FOR WATERLINE, 12-INCH CLEARANCE WITH GAS MAINS, TELEPHONE DUCTS, AND UNDERGROUND CABLES
 - FOR SANITARY SEWER, 18-INCH CLEARANCE WITH STORM DRAINS.
14. REGARDLESS OF PIPE MATERIAL, THE MINIMUM SEPARATION SHALL BE TWELVE (12") INCHES FOR WATER AND SEWER CLEARANCES FROM OTHER PIPES.
15. INITIAL CONNECTION TO THE EXISTING WATER MAIN SHALL BE IN ACCORDANCE WITH THE CITY OF KANNAPOLIS DETAIL FOR A TEMPORARY BY-PASS CONNECTION FOR FILLING NEW WATER MAINS. THE TEMPORARY JUMPER CONNECTION SHALL BE REMOVED AND THE WATERLINE CONNECTED TO THE EXISTING SYSTEM ONLY AFTER THE PROPOSED SYSTEM HAS BEEN PRESSURE TESTED, CHLORINATED AND ACCEPTED BY THE CITY OF KANNAPOLIS. NO OTHER CONNECTIONS WILL BE ALLOWED TO THE SYSTEM UNTIL THE PROPOSED SYSTEM HAS BEEN ACCEPTED.
16. NOTIFY THE CITY OF ANY WORK BEING PERFORMED ON THE WEEKENDS. NO WORK REQUIRING TESTING OR OBSERVATION BY THE CITY WILL BE PERMITTED WITHOUT WRITTEN PERMISSION.
17. NOISE ORDINANCE: 7:00AM TO 9:00PM – WEEKDAYS, 8:00AM TO 9:00PM WEEKENDS.



- A. 3" S9.5B OR S9.5C SURFACE COURSE
- B. 4" I19.0C INTERMEDIATE COURSE
- C. 4" B25.0C BASE COURSE
- D. 2'-6" CONC. CURB & GUTTER
- E. 4" CONC. SIDEWALK

L STA. 10+49.22 TO L STA. 13+18.34 AND L STA. 13+37.52 TO L STA. 16+57.27 RIGHT
* 6' CONCRETE FROM L STA. 11+57.77 TO L STA. 13+18.34 RIGHT

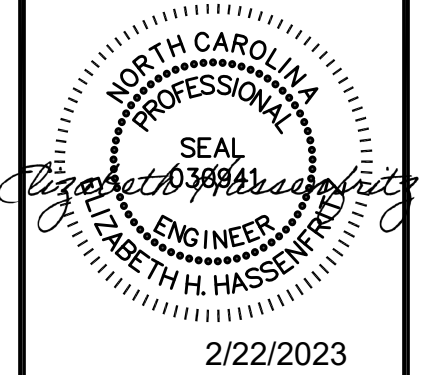
RIGHT EOP ELEV.



MATCHLINE - L- 13+25- SEE SHEET 5



Plans Prepared By:
City of Kannapolis
Engineering Department
401 Laureate Way
Kannapolis, North Carolina 28084
704-920-4300

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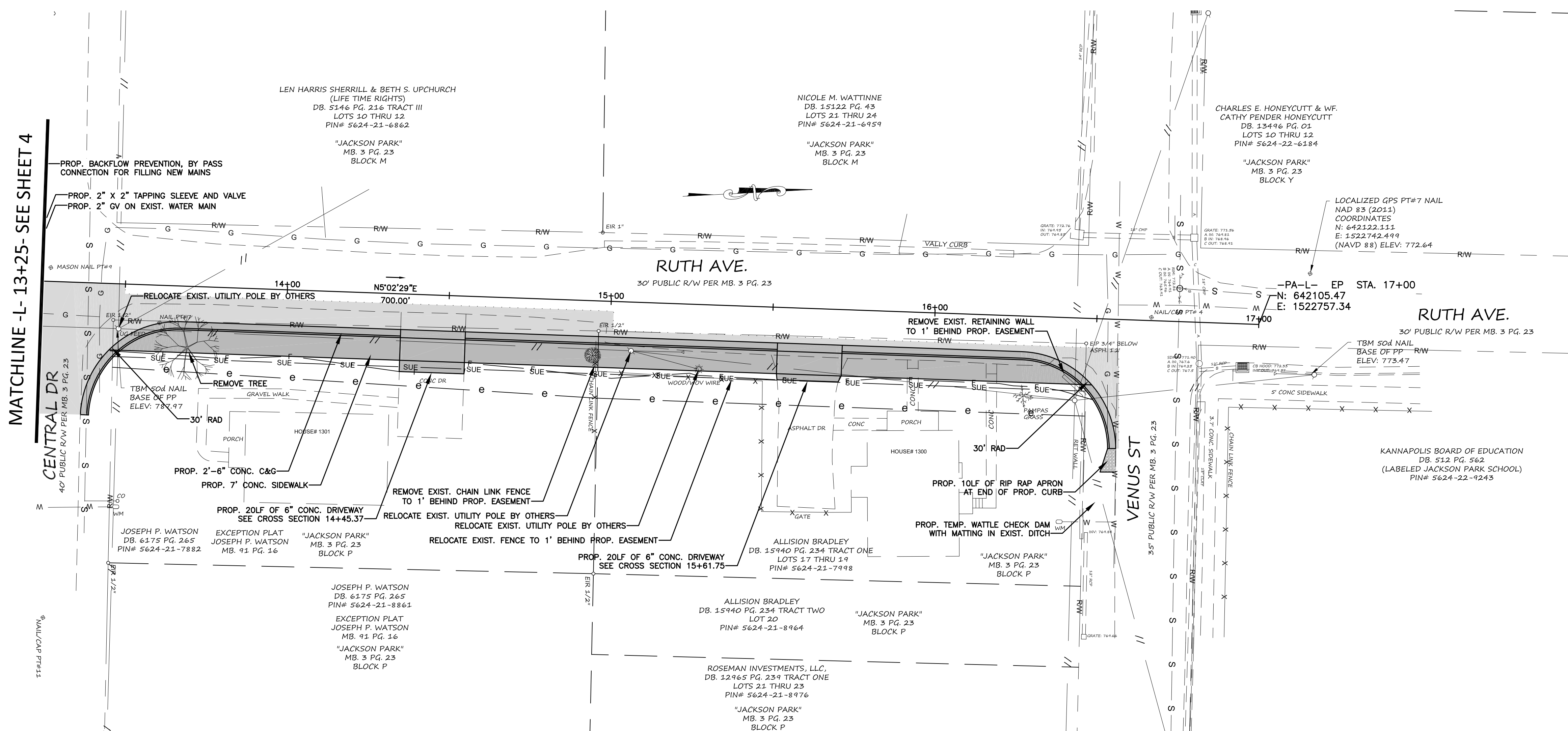
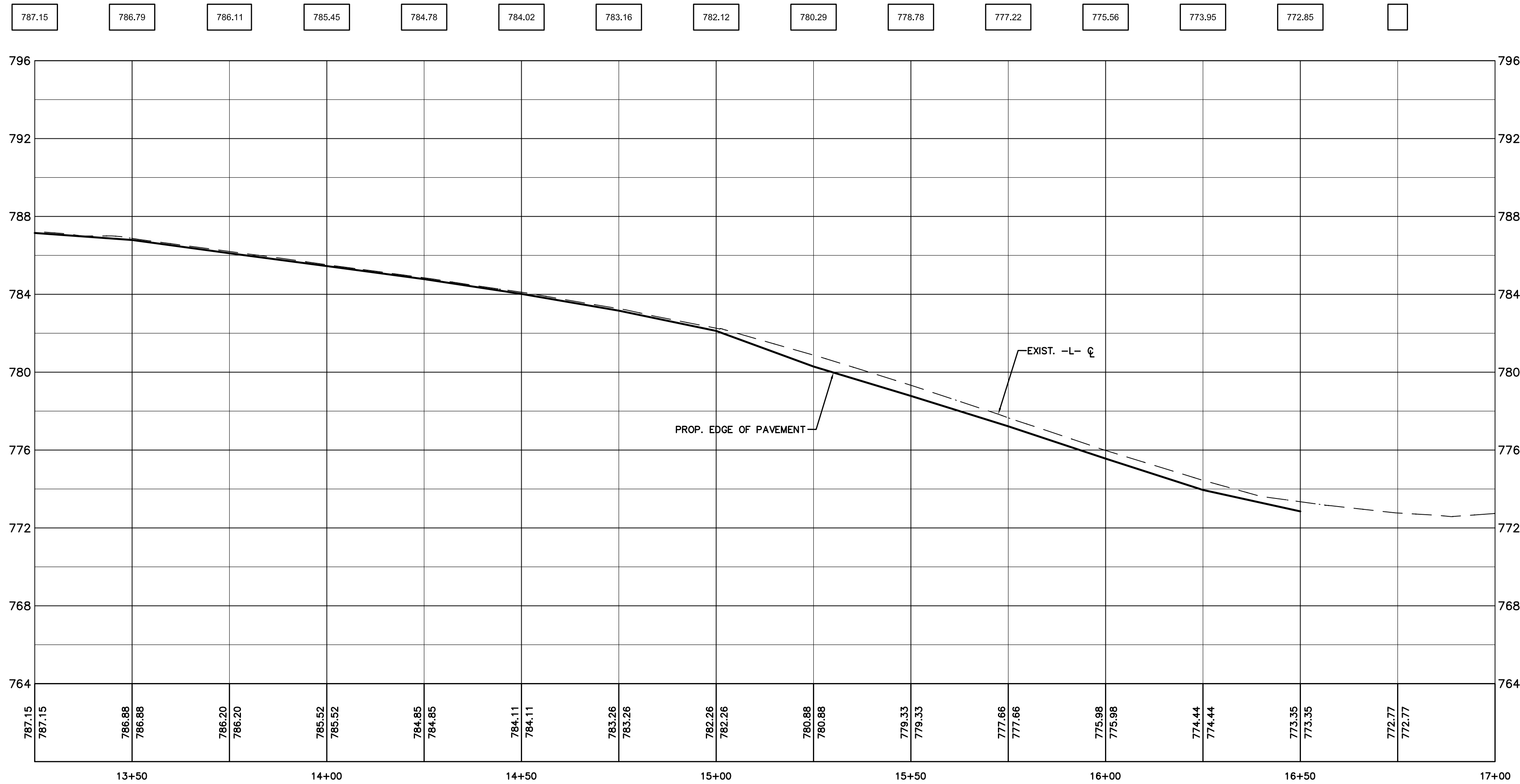
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_____	SUK APPROVED BY	02/2023 DATE

Ruth Avenue Sidewalk Project

Plan & Profile Sheet
-L- Sta. 10+00 to 13+25

3 OF 4

-L- RUTH AVENUE ALIGNMENT AND PROFILE



Plans Prepared By:
City of Kannapolis
Engineering Department
401 Laureate Way
Kannapolis, North Carolina 28081
704-920-4300

DESCRIPTION

BY

DATE

NO.



H 1" = 20' V 1" = 4'

SCALE

BY

CHECKED BY

DATE

JOB NO.

EHH

PREPARED BY

SJK

APPROVED BY

Ruth Avenue

Sidewalk Project

Plan & Profile Sheet

-L- Sta. 13+25 to 17+00

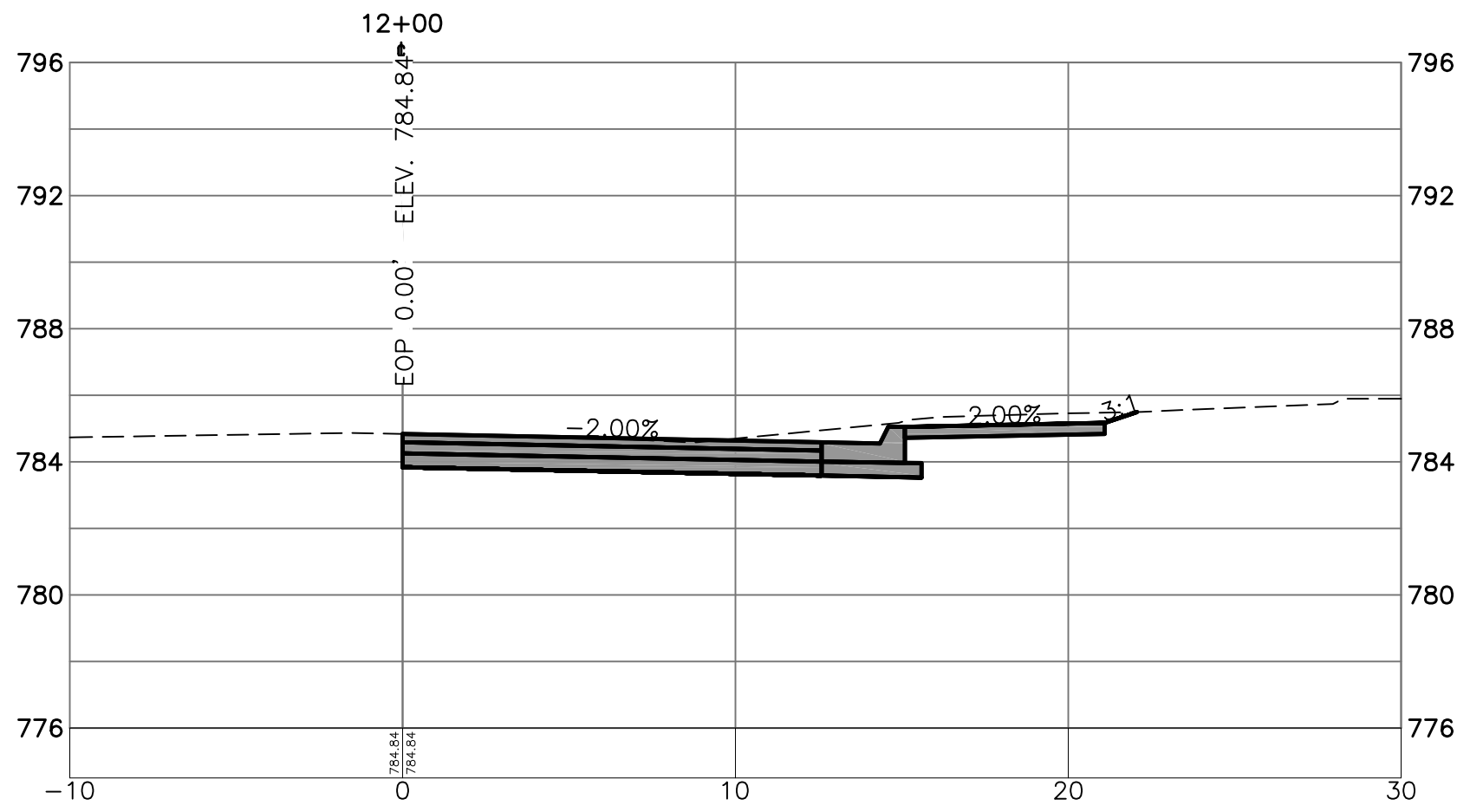
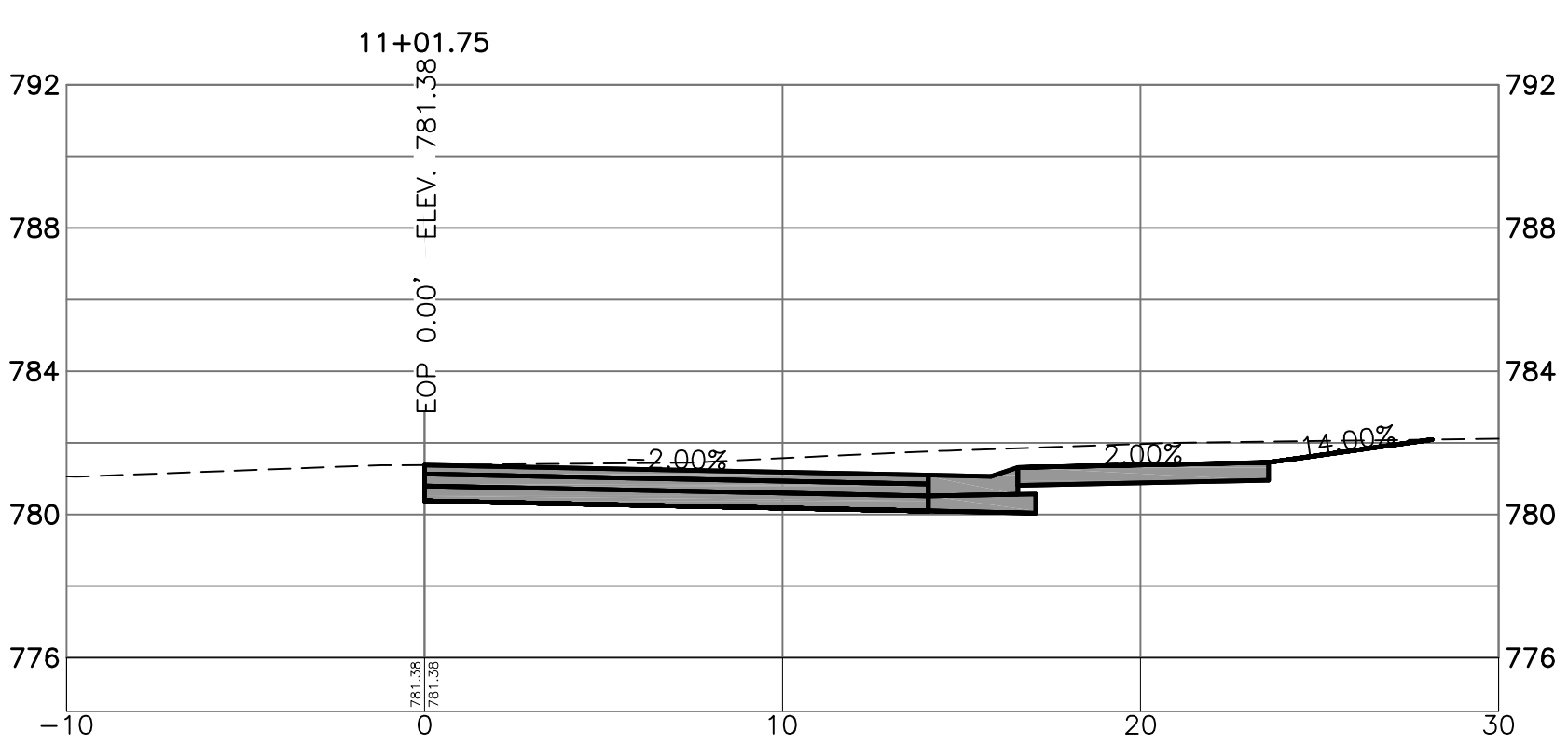
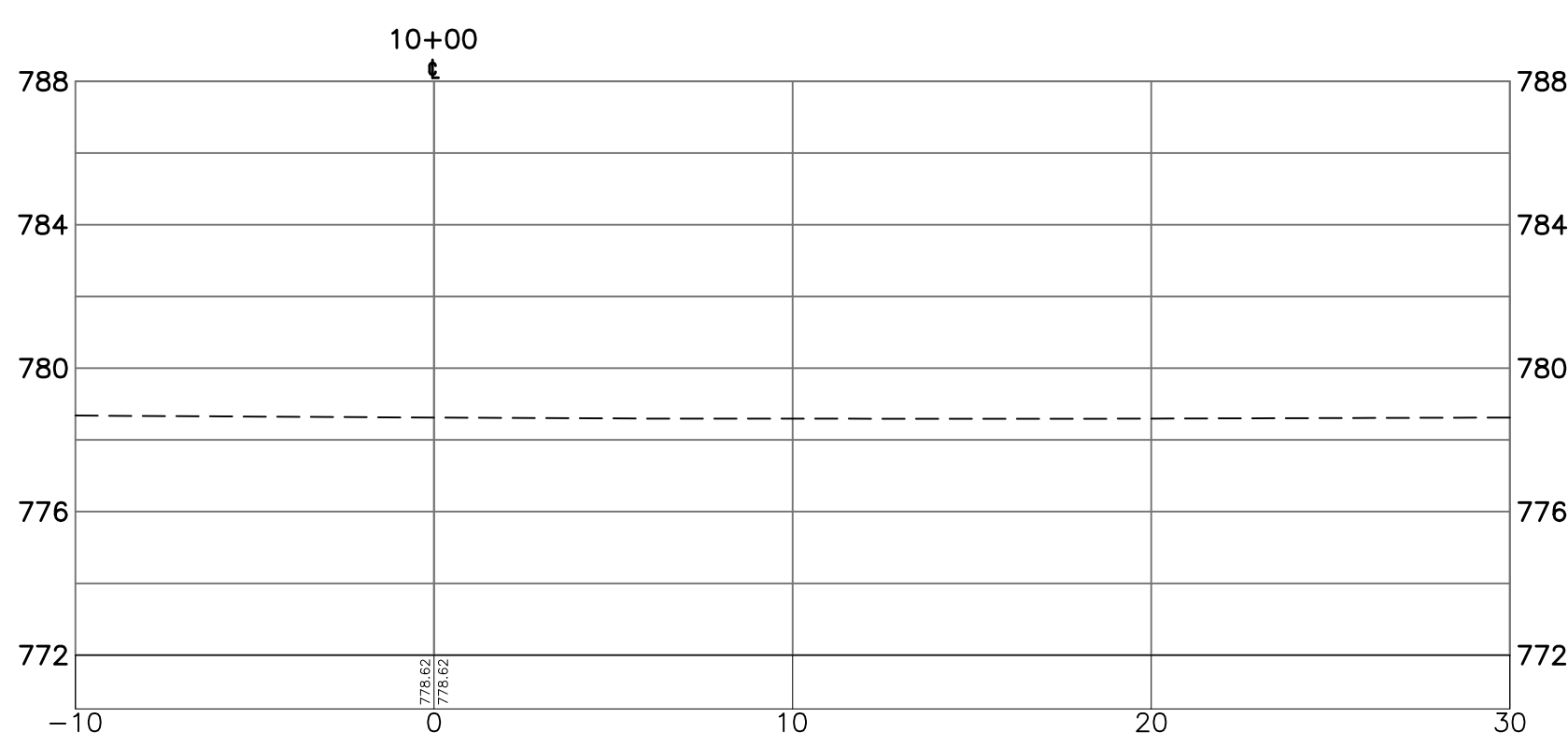
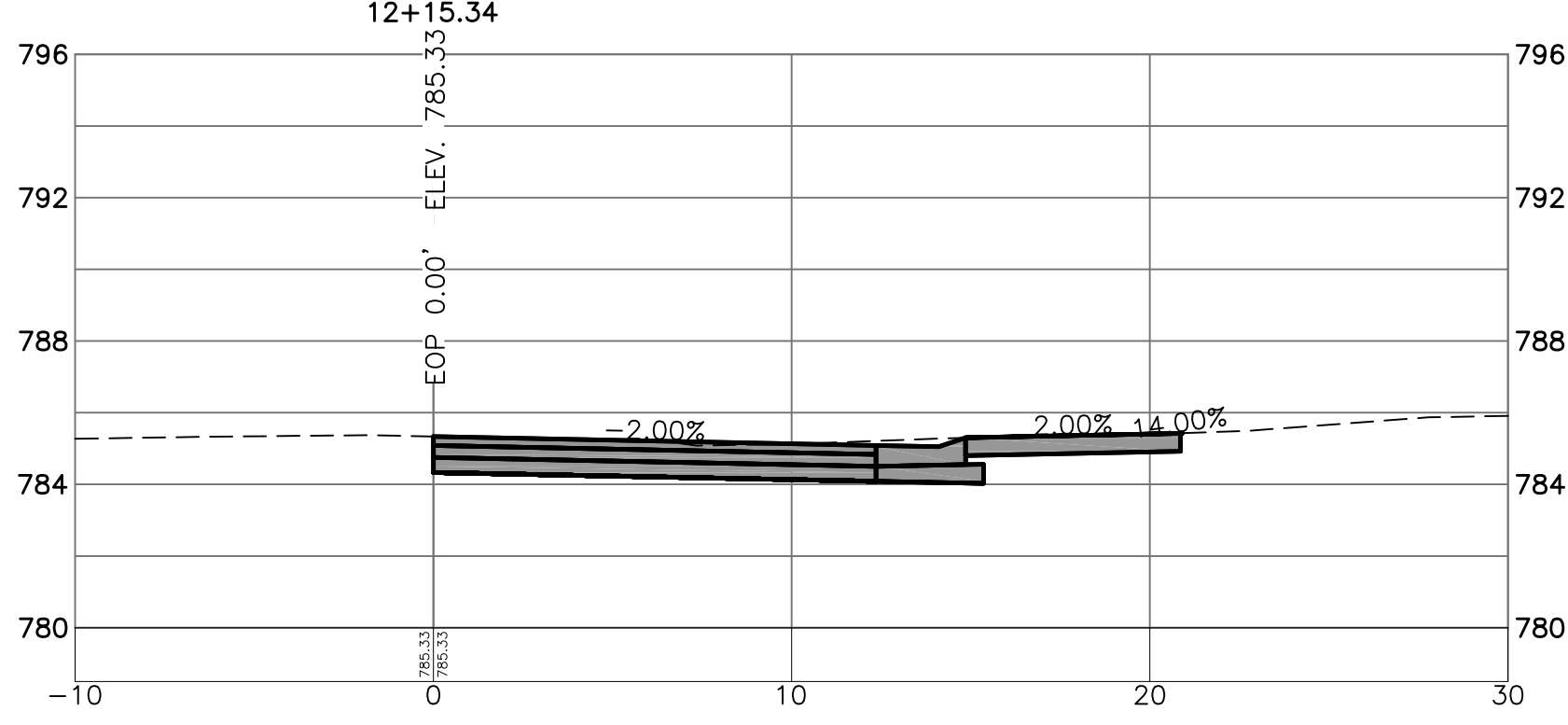
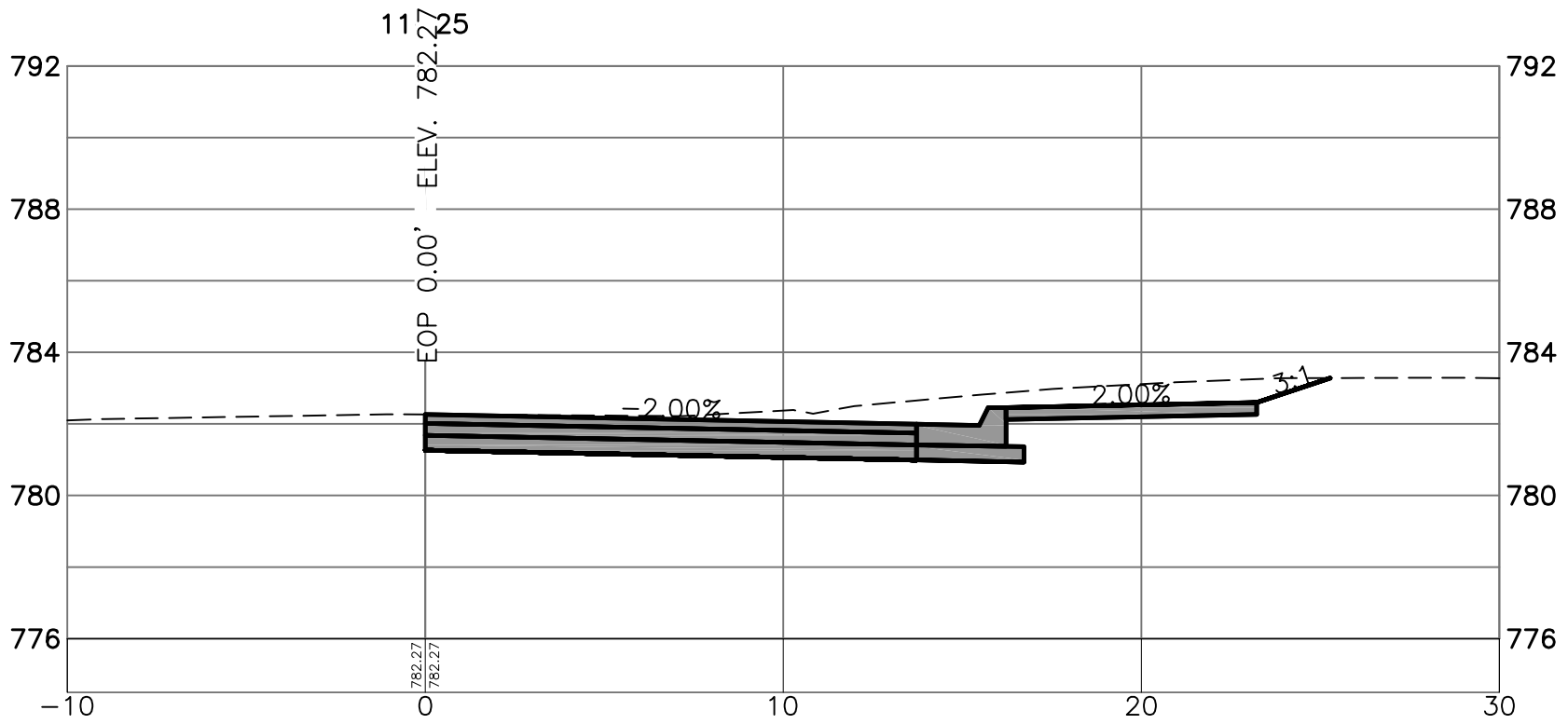
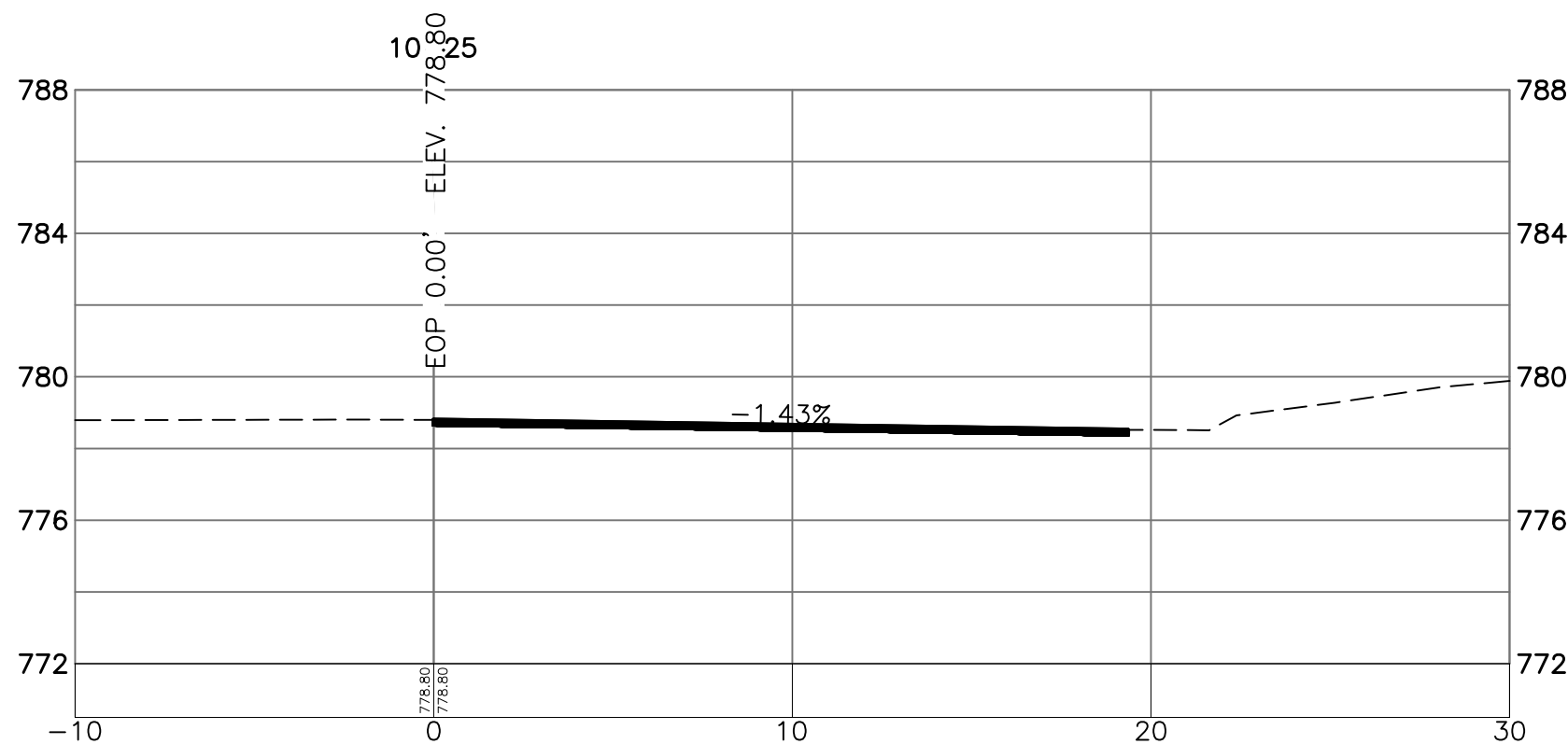
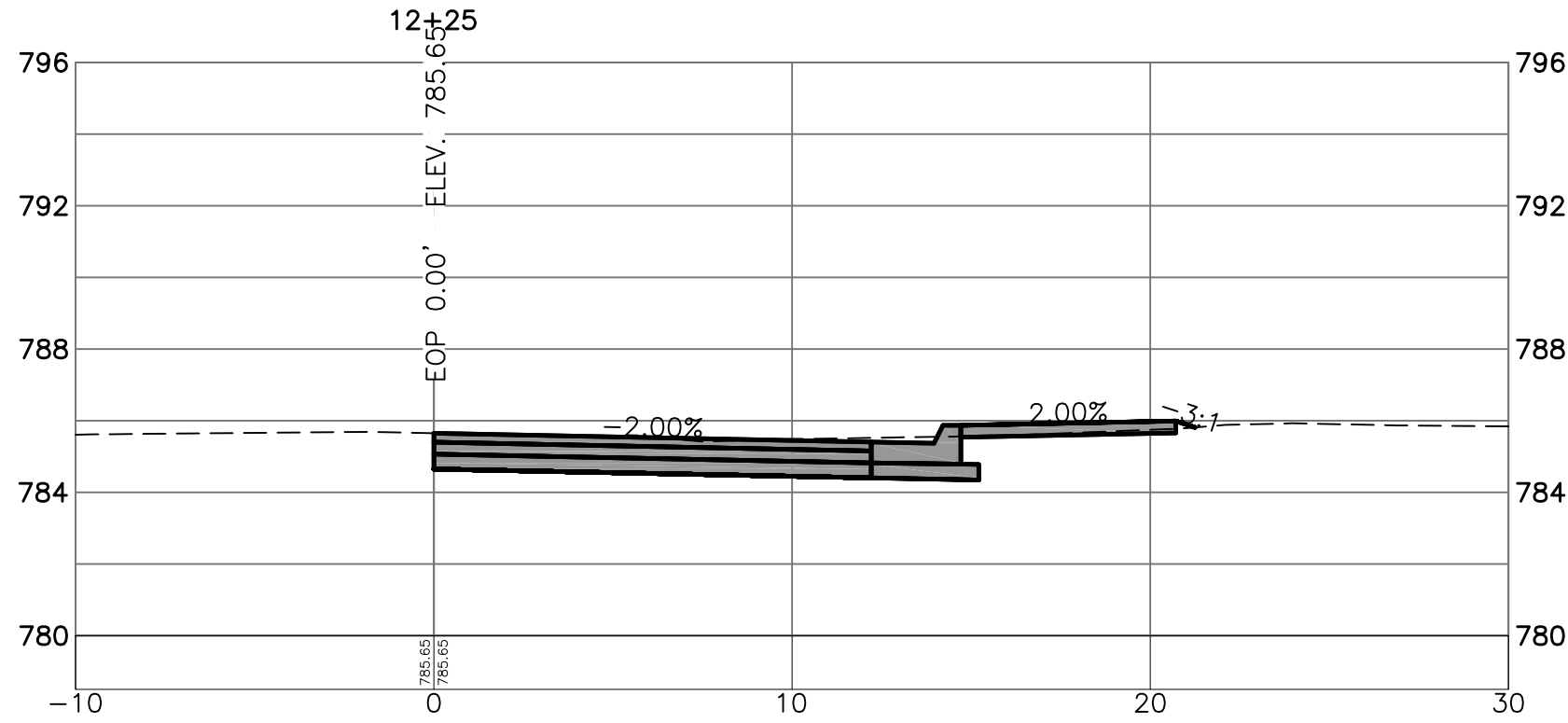
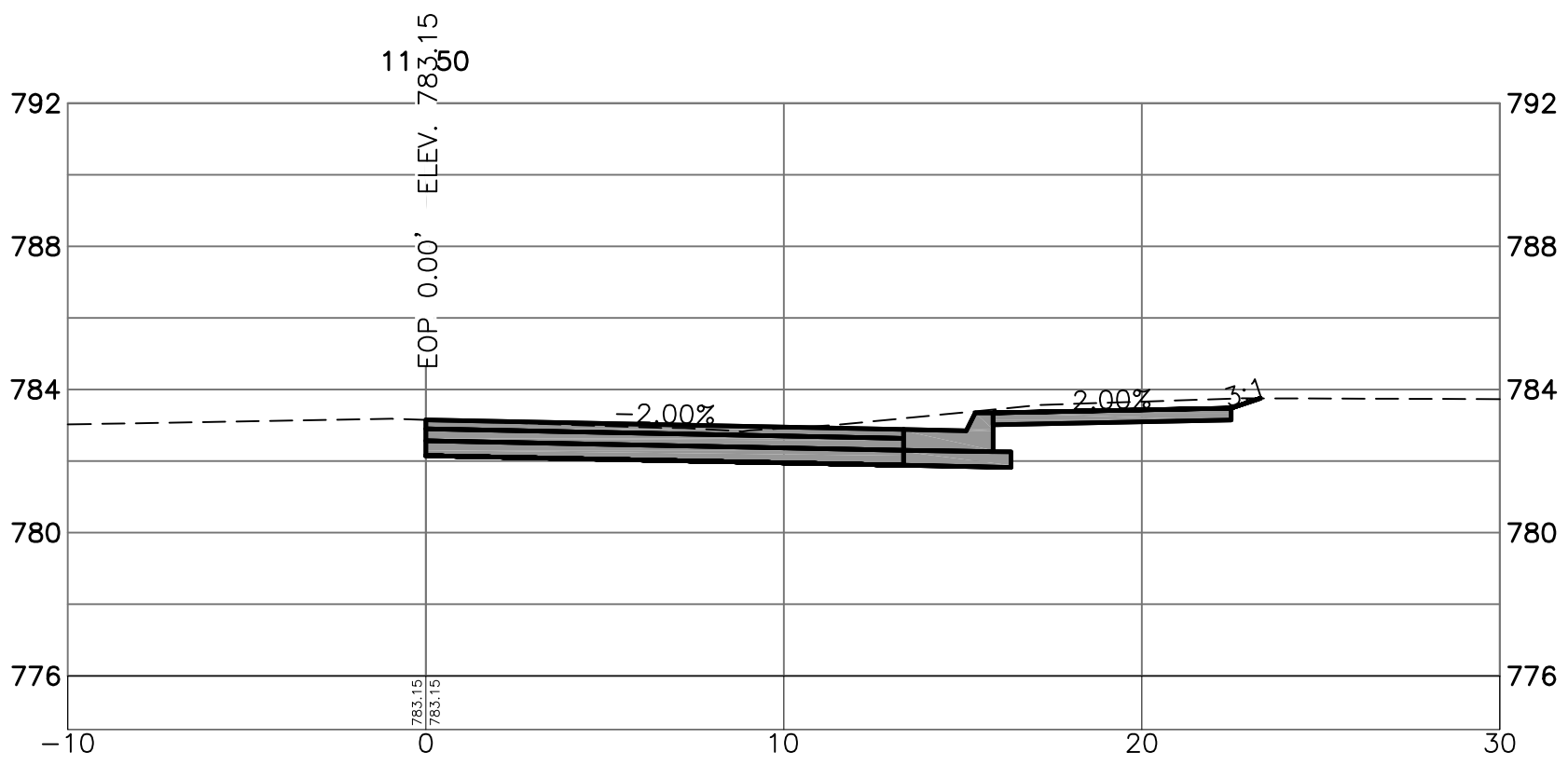
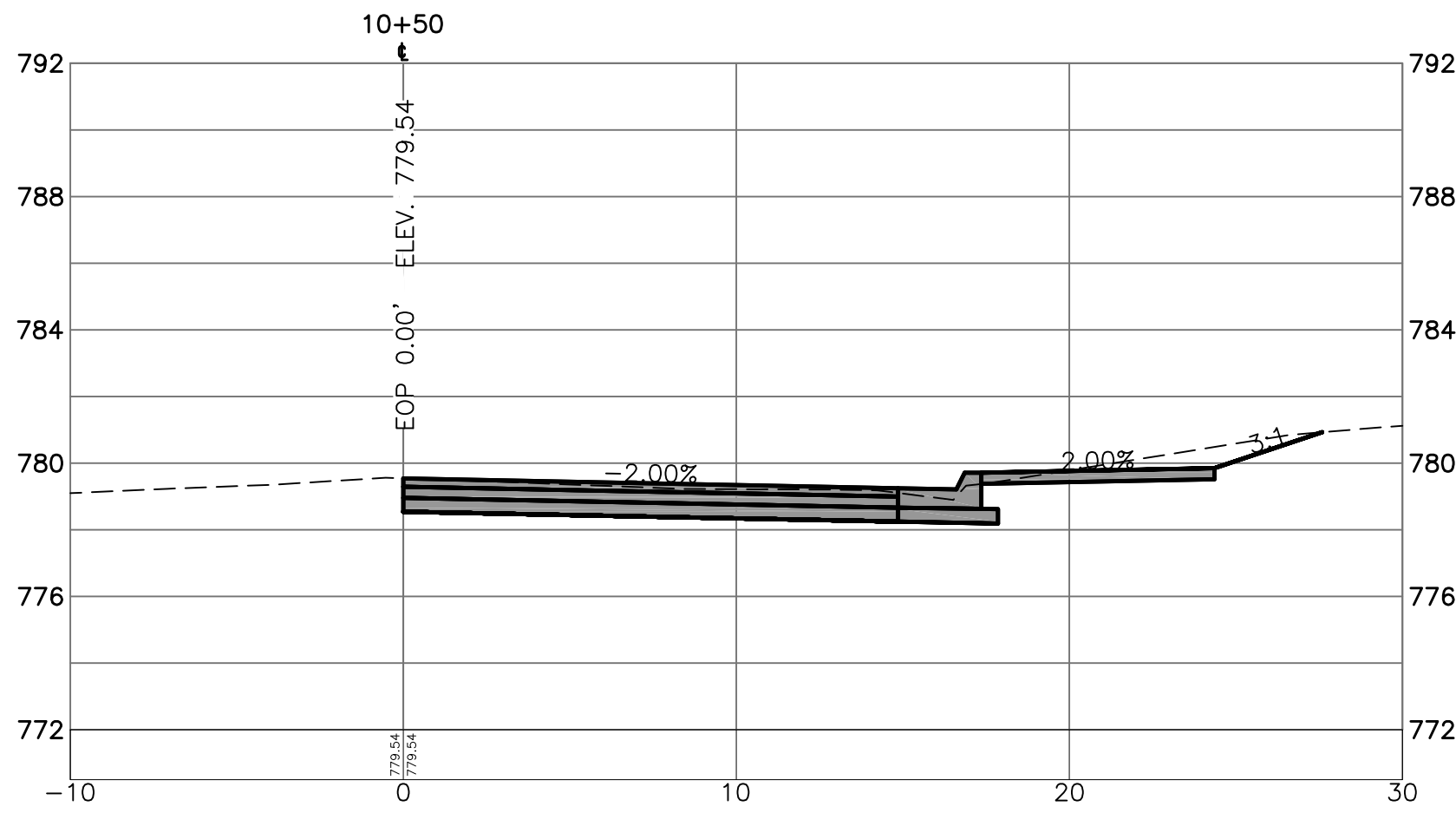
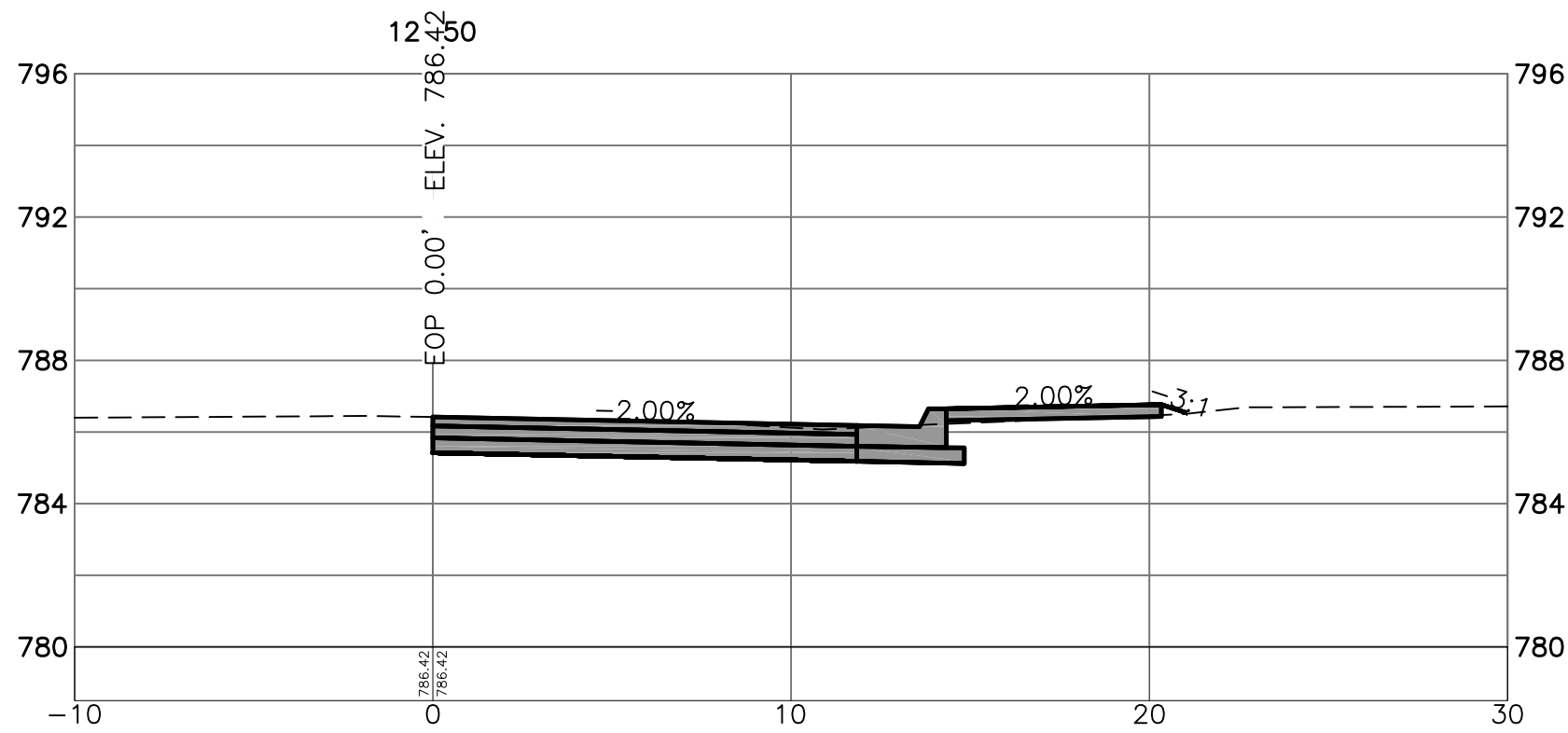
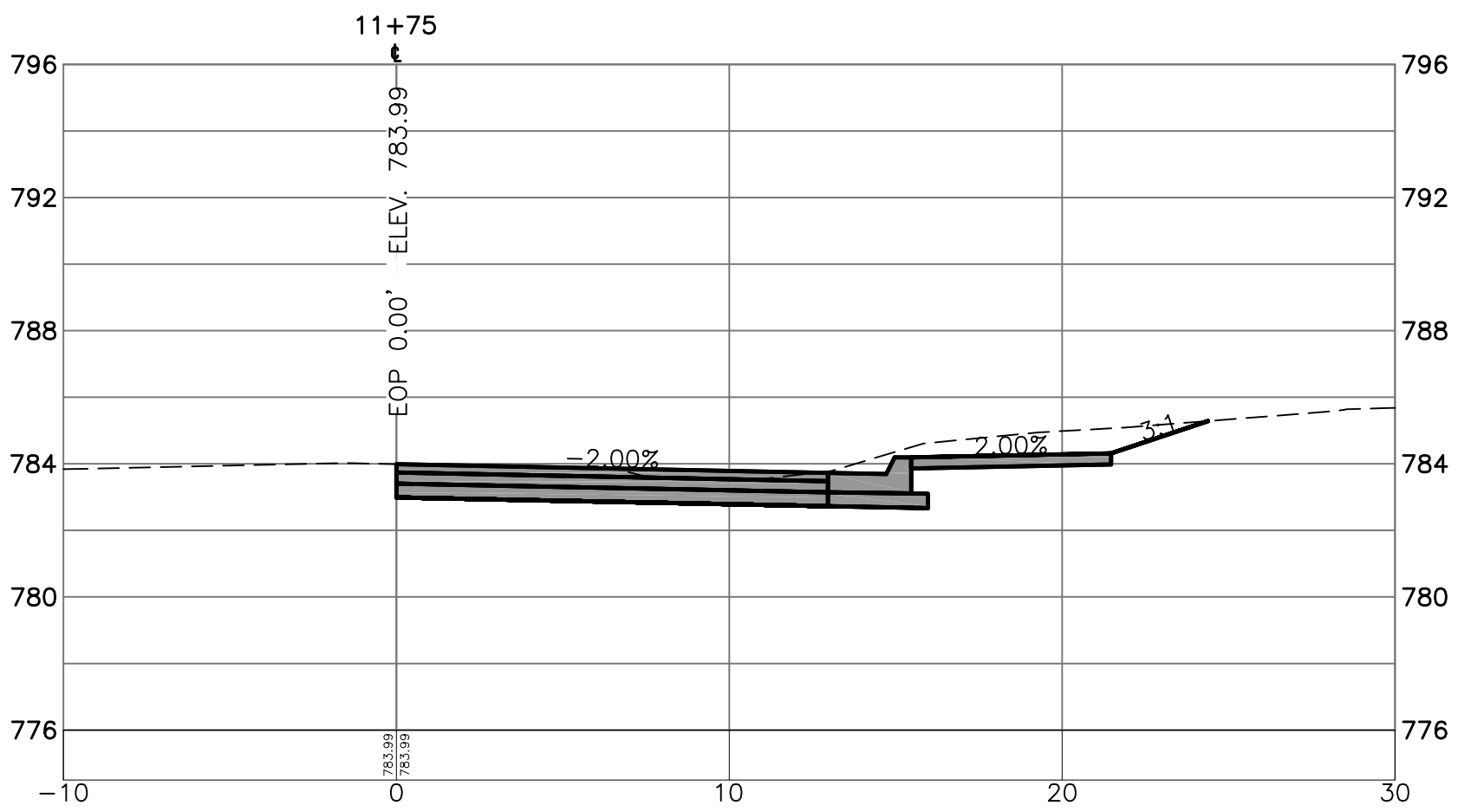
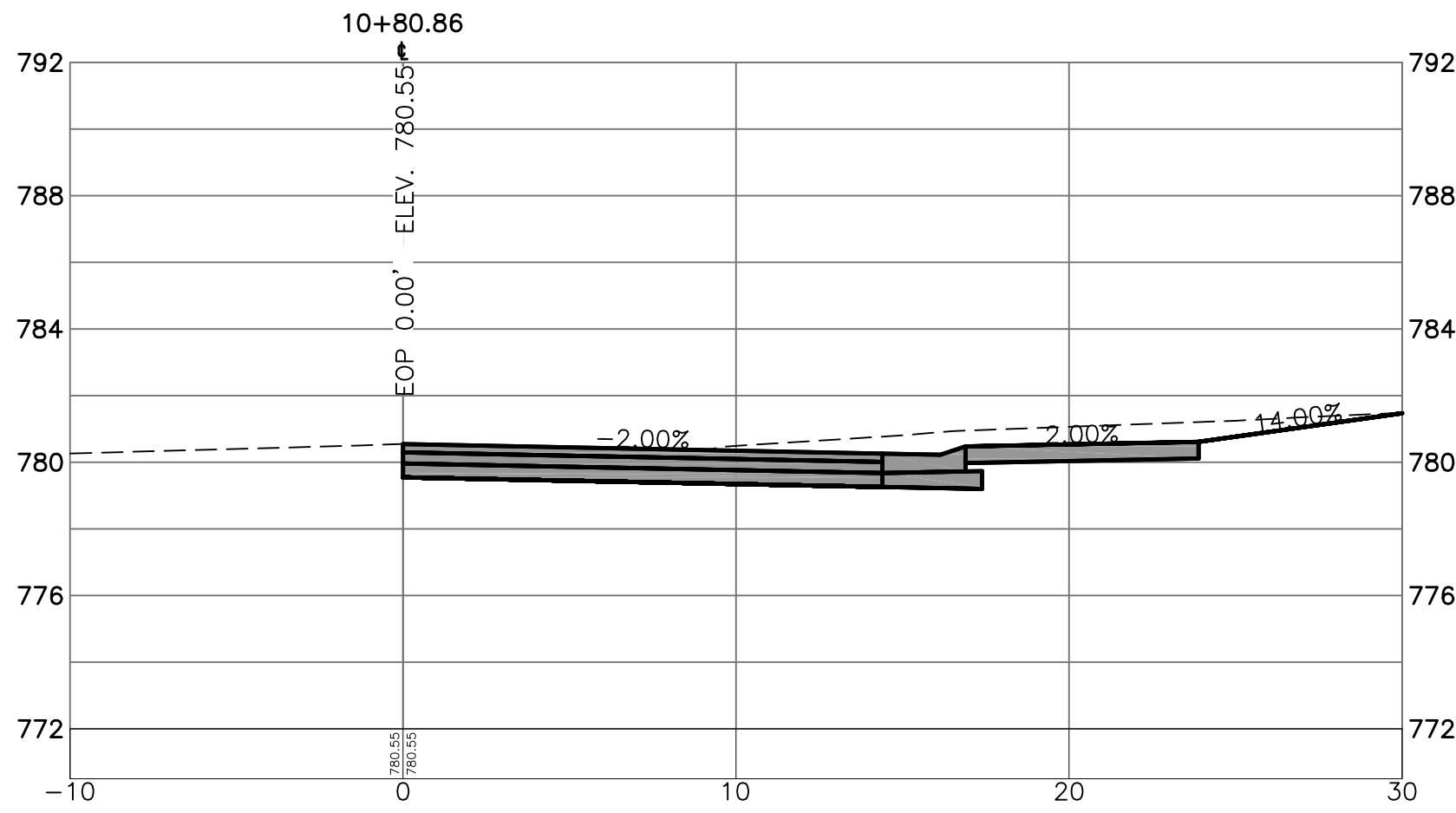
SHEET

4

OF

4

-L- RUTH AVENUE CROSS SECTIONS



Plans Prepared By:
City of Kannapolis
Engineering Department
401 Laureate Way
Kannapolis, North Carolina 28081
704-920-4300

DESCRIPTION

BY

DATE

NO.



2/22/2023

BY

CHECKED BY

DATE

JOB NO.

EHH

PREPARED BY

SJK

APPROVED BY

DATE

DATE

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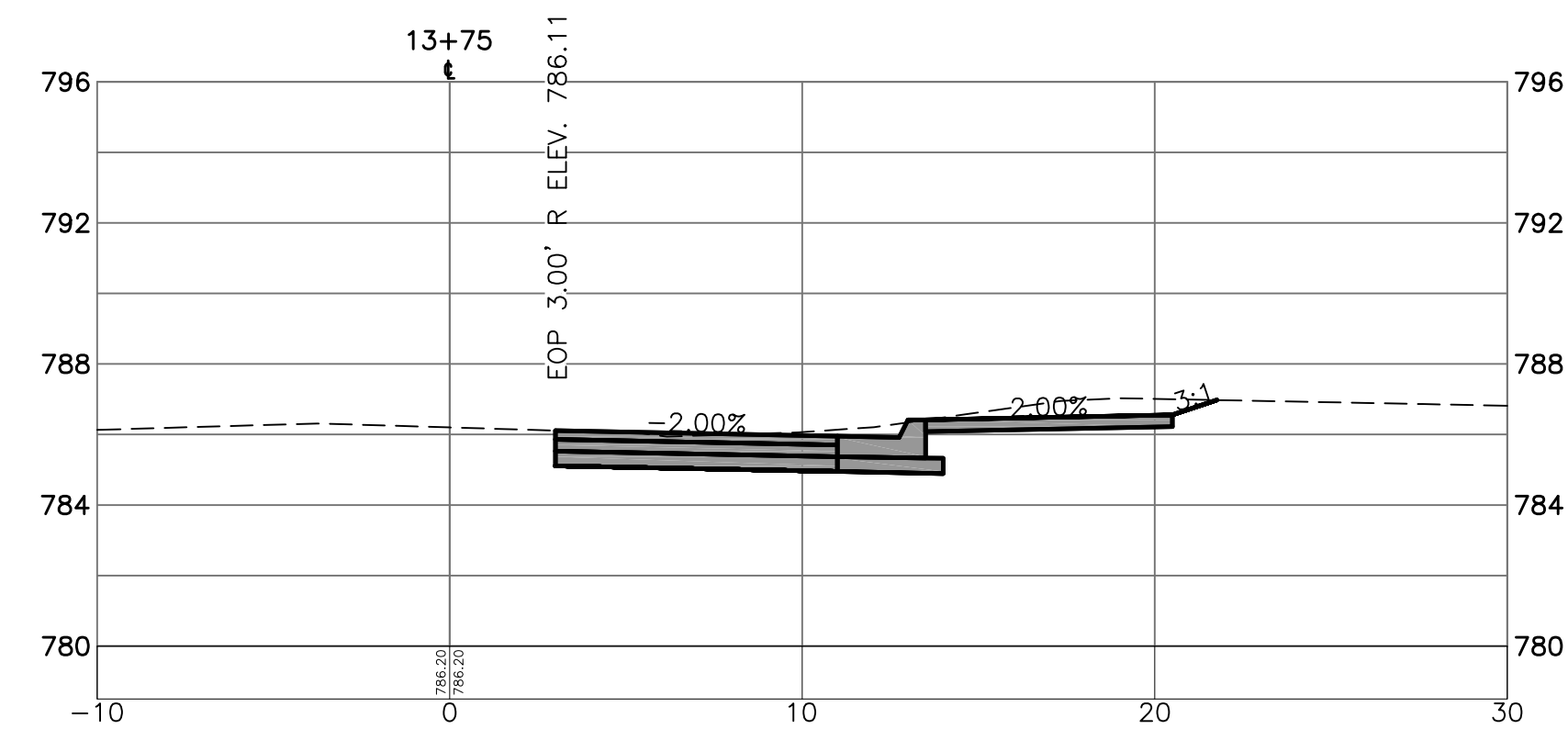
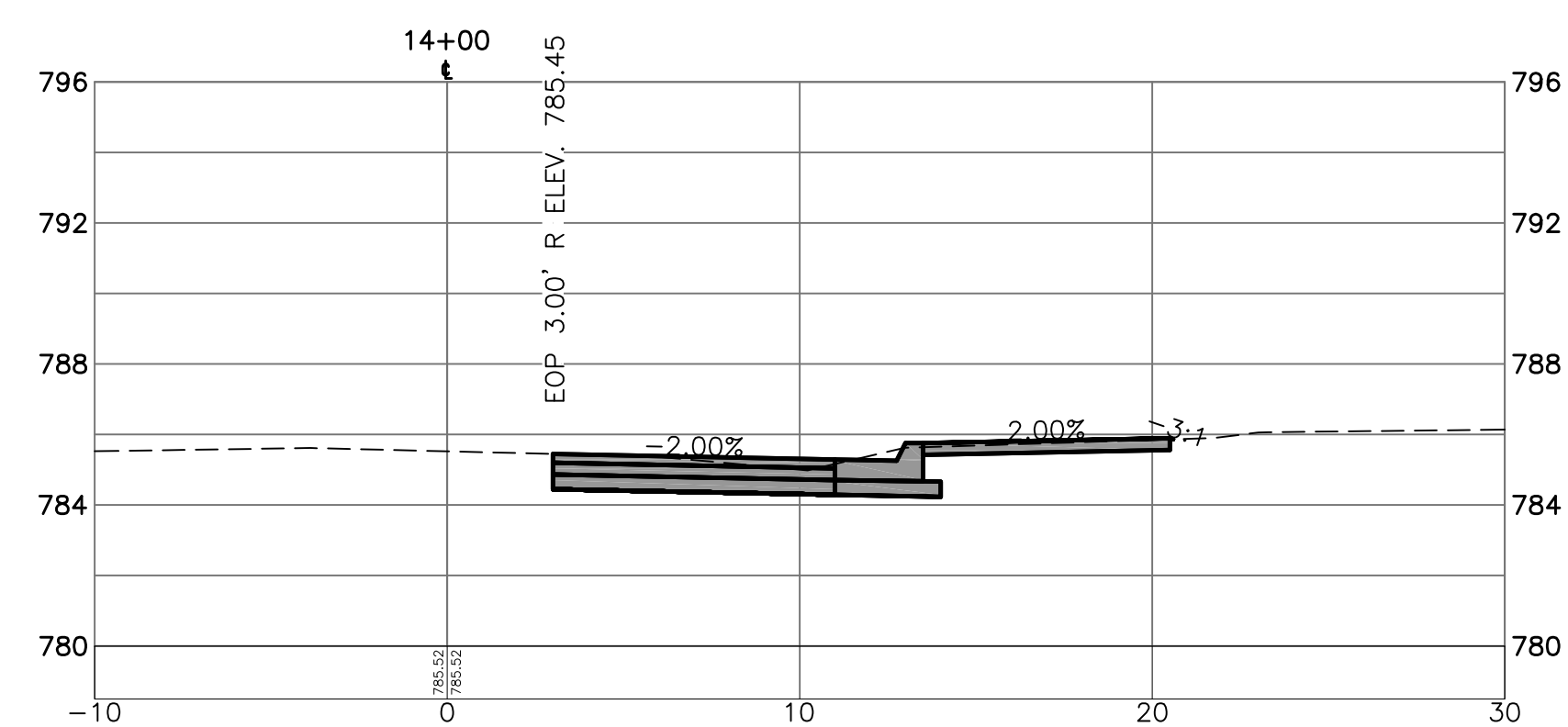
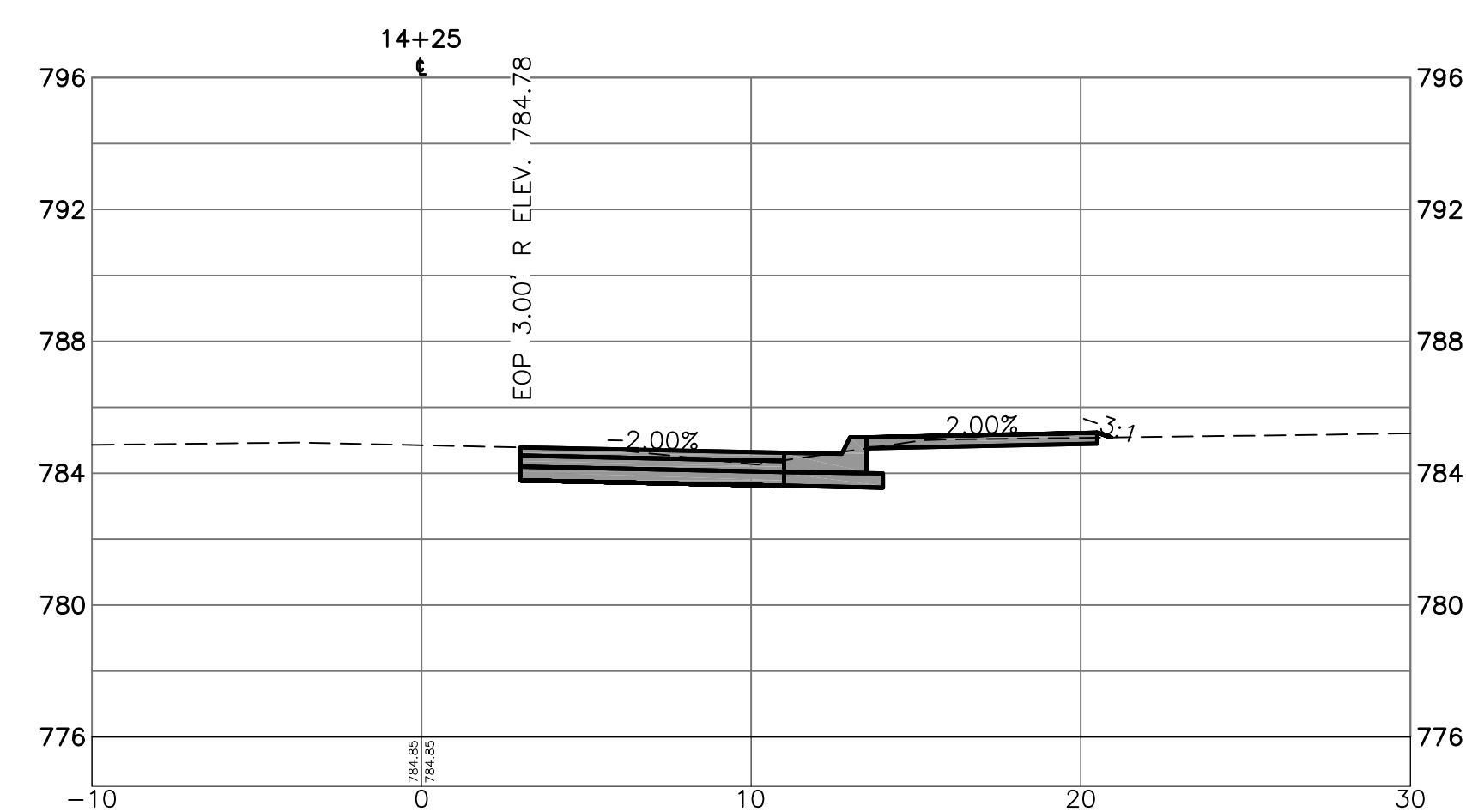
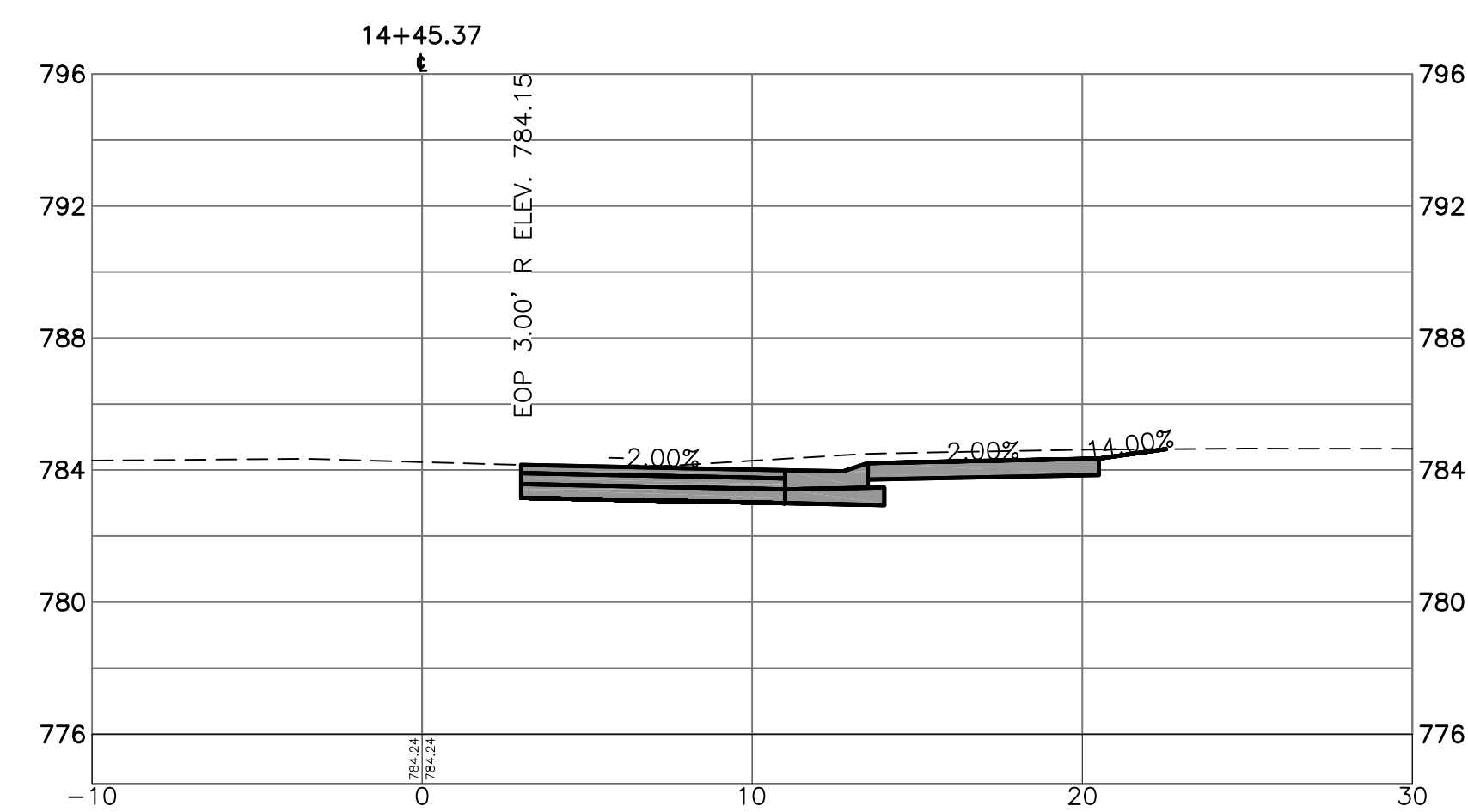
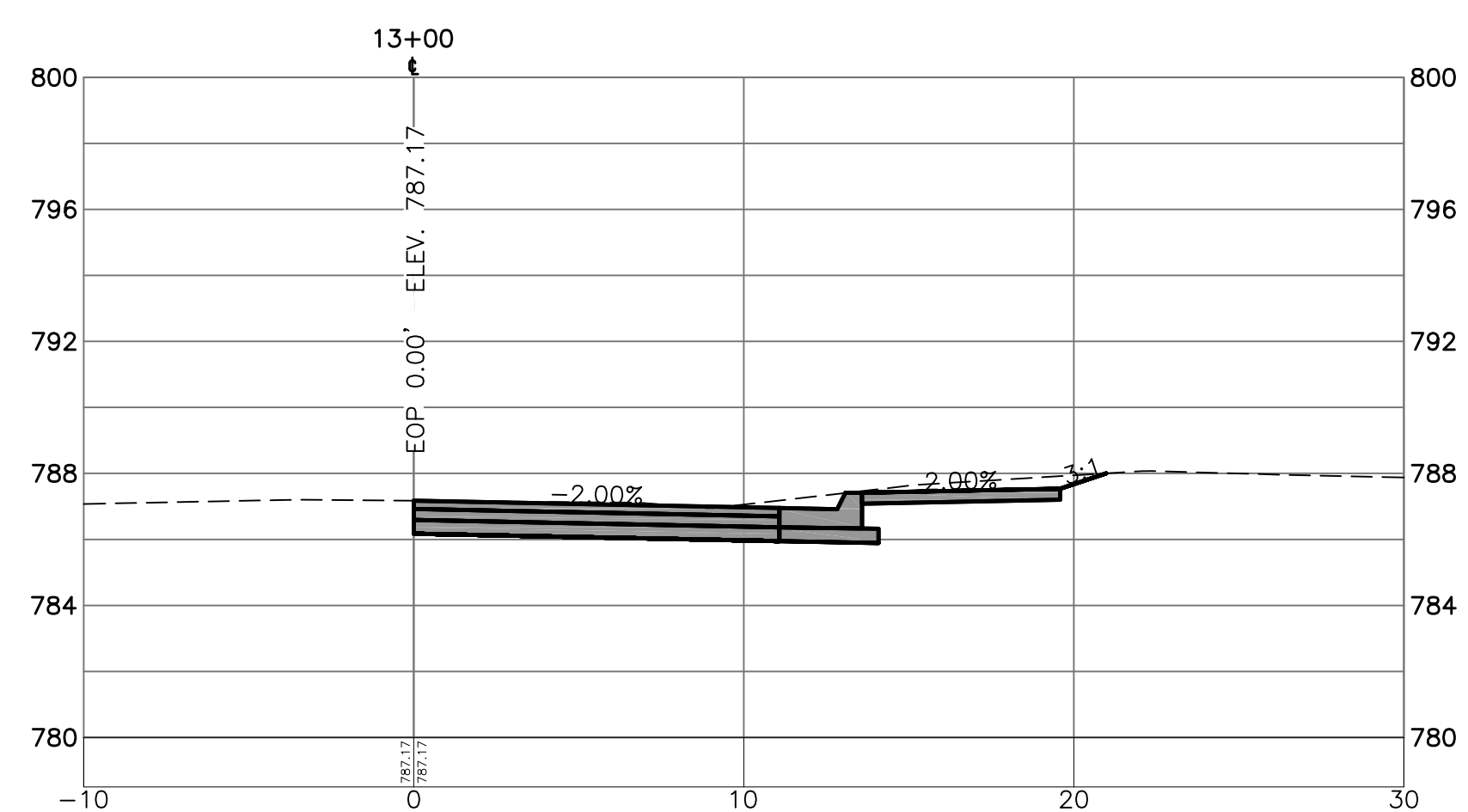
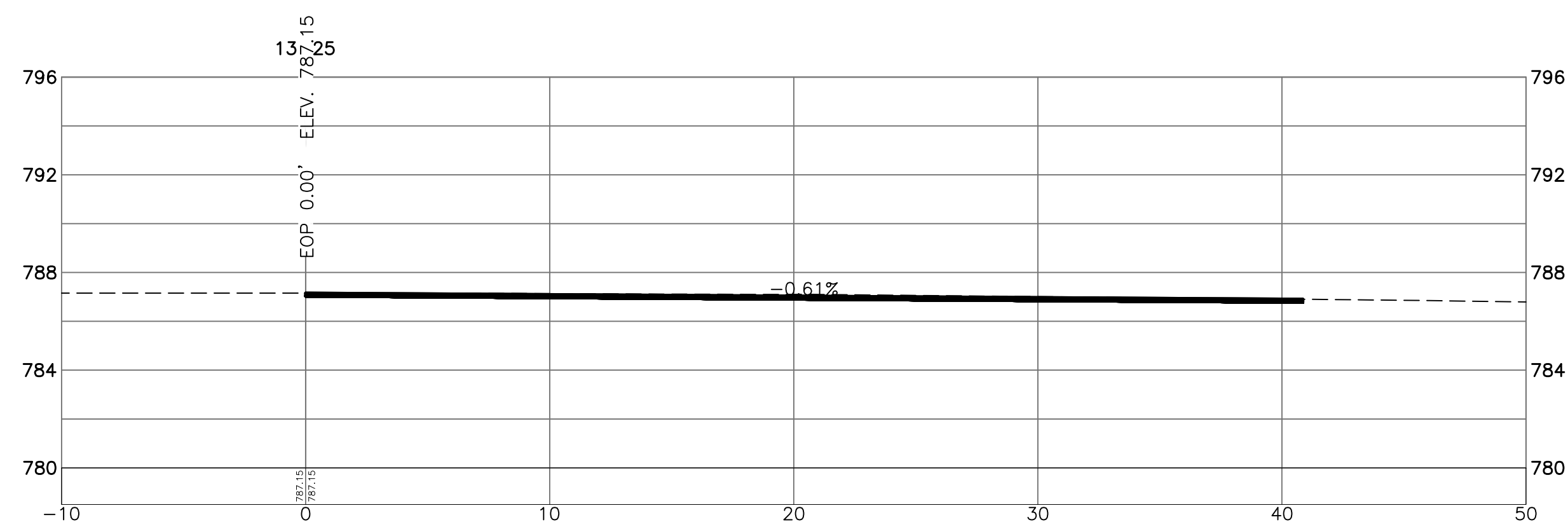
Ruth Avenue
Sidewalk Project

Cross Sections
L Sta. 10+00 to Sta. 12+50

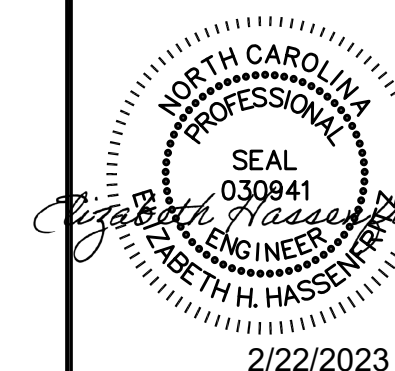
SHEET
X1

OF
X3

KANNAPOLIS



**City of Kannapolis
Engineering Department
401 Laurcate Way
Kannapolis, North Carolina 28081
704-920-4300**

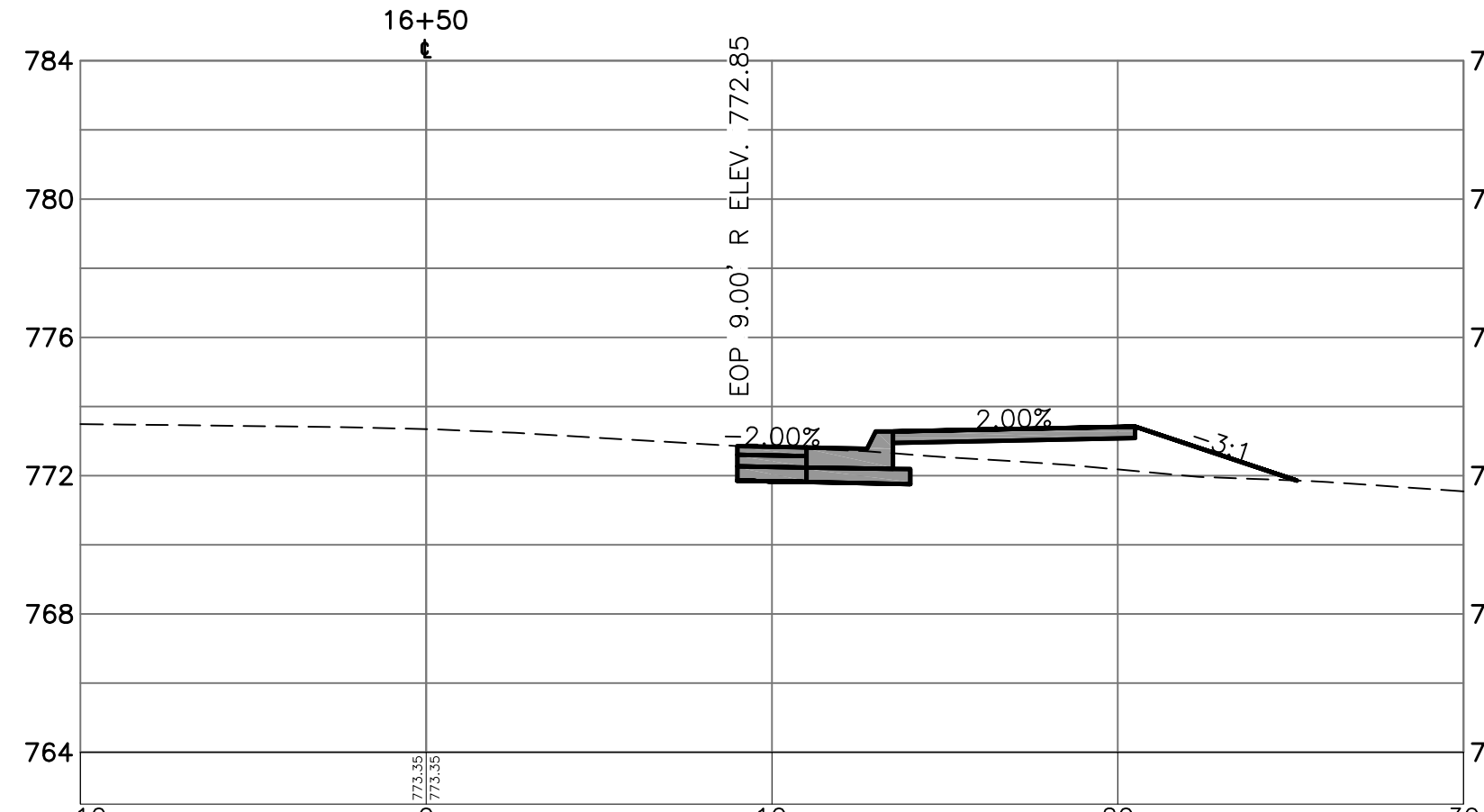
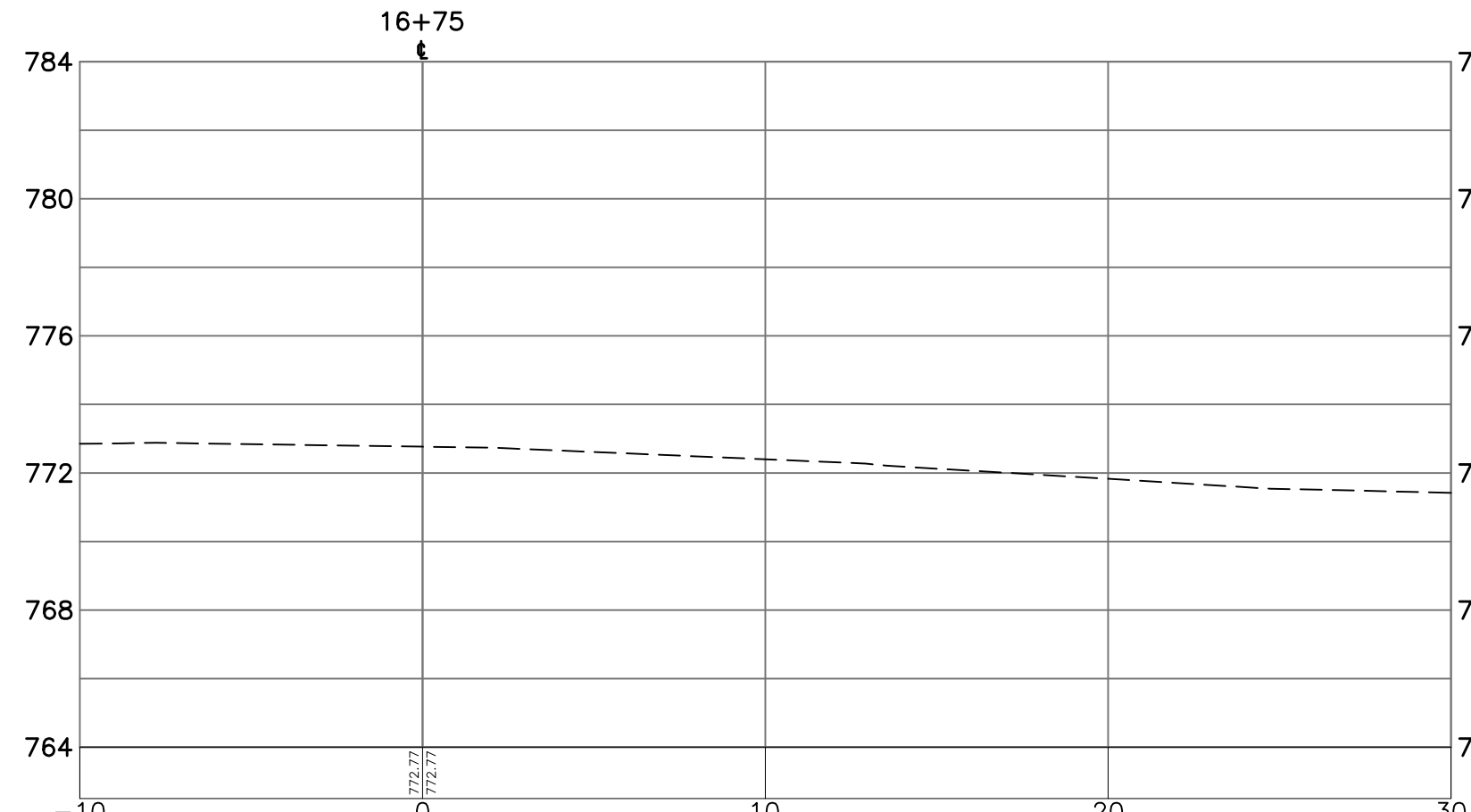
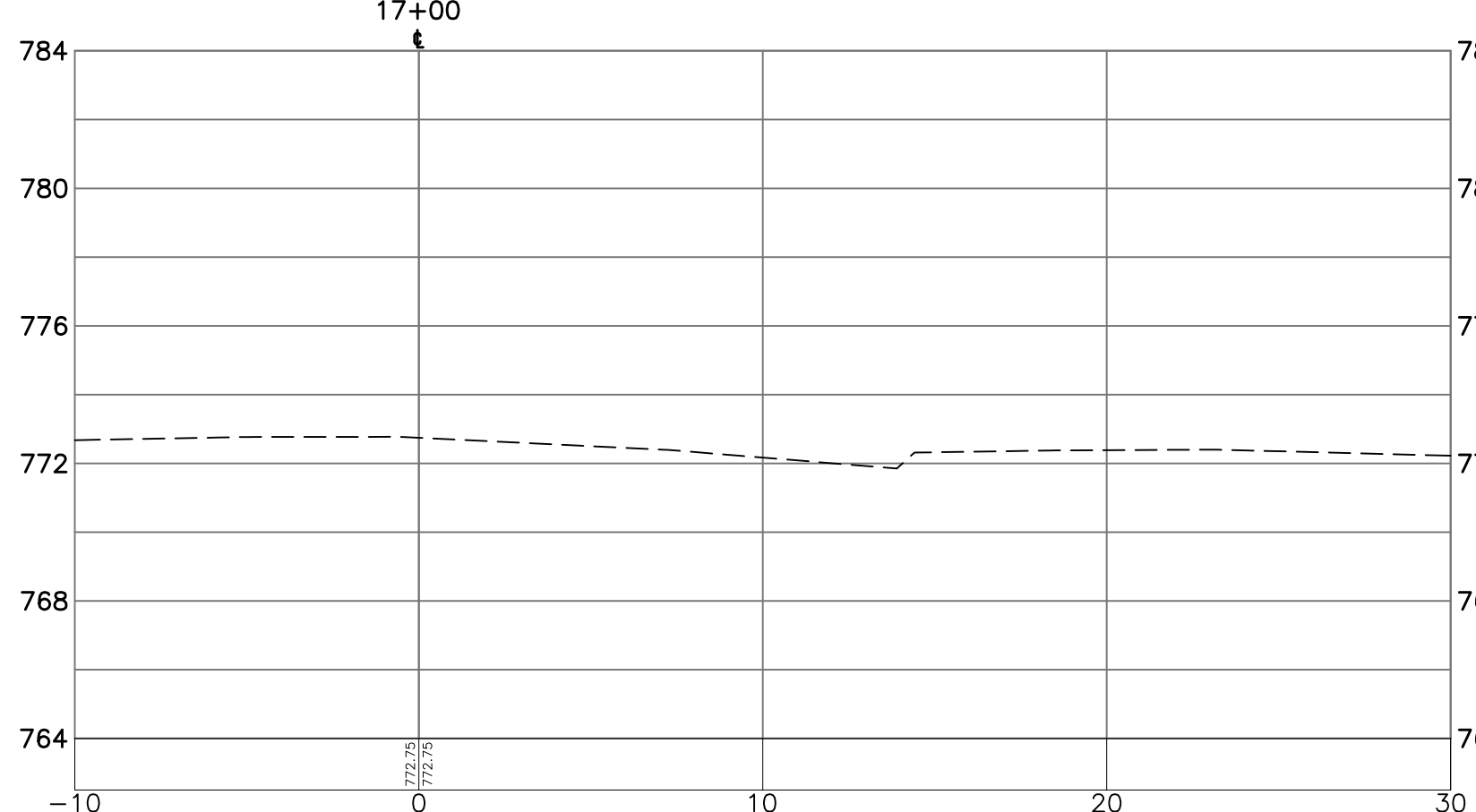
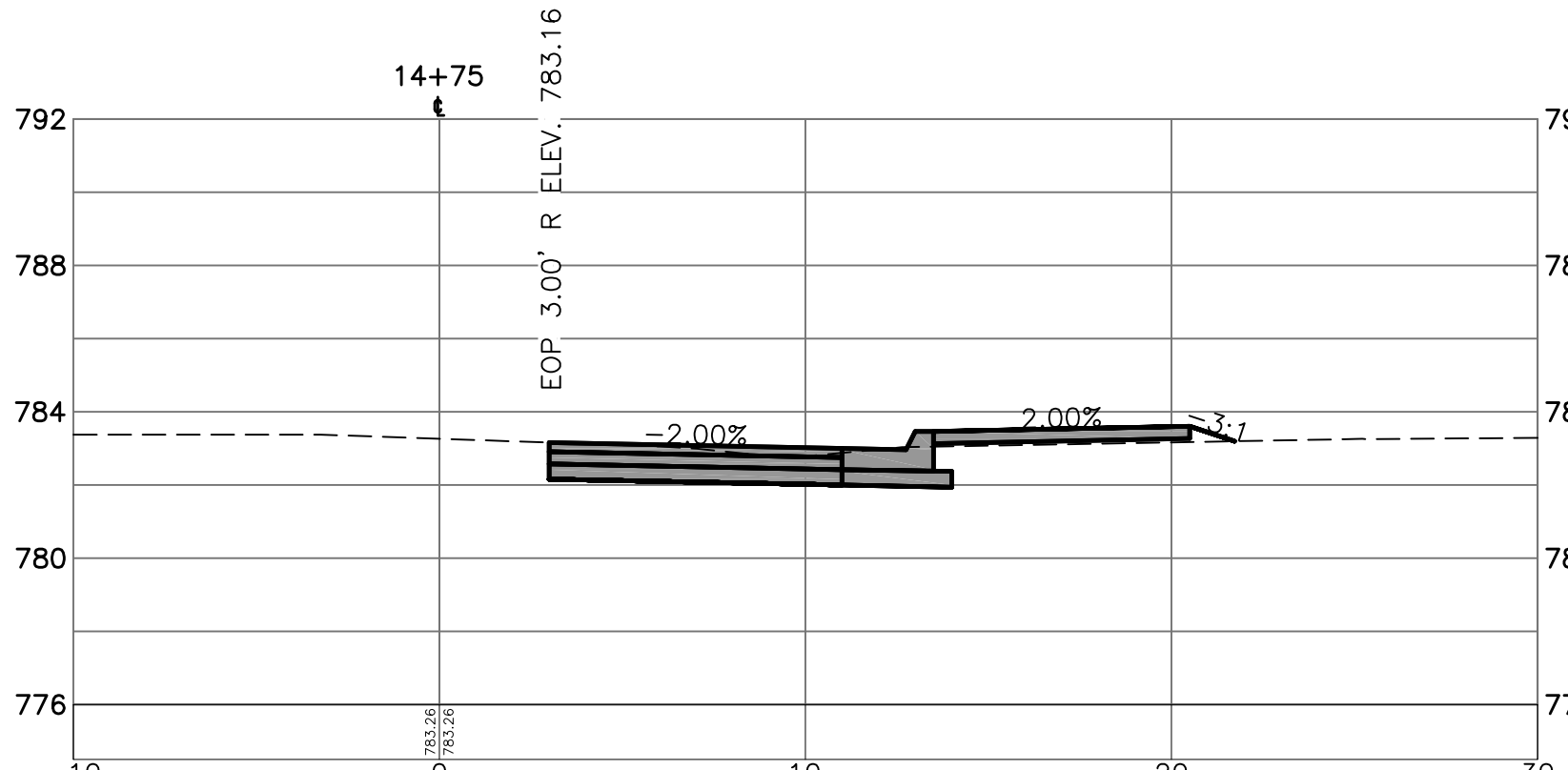
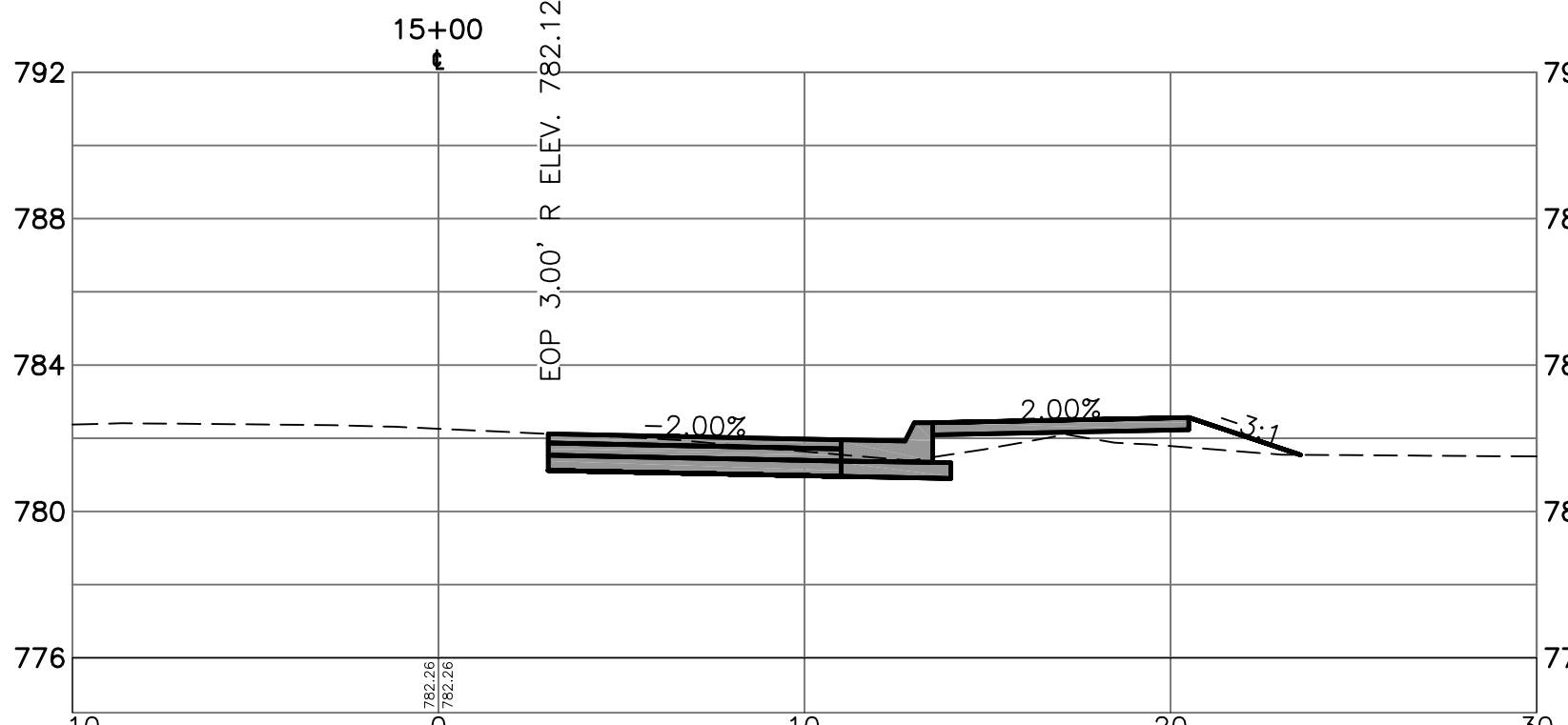
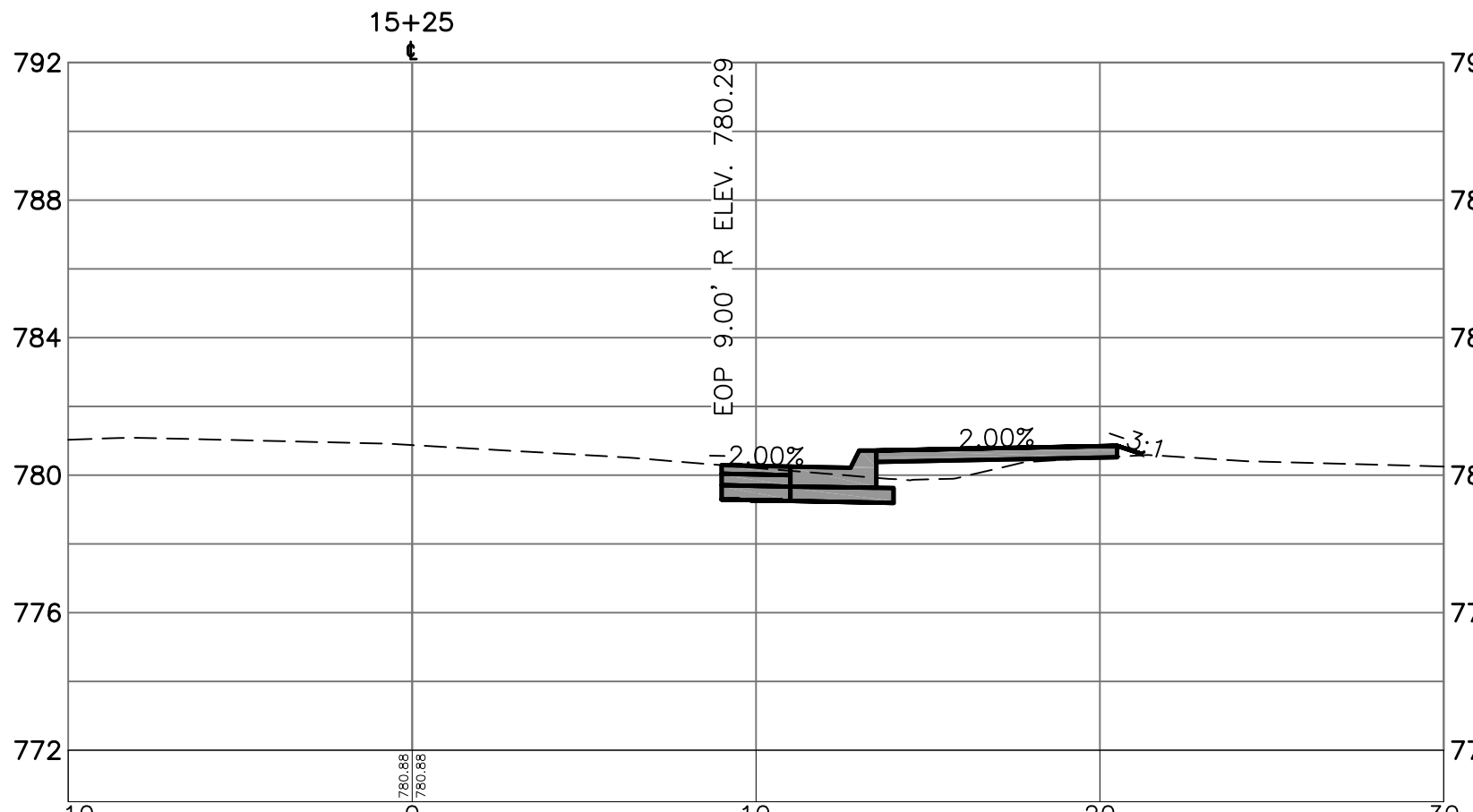
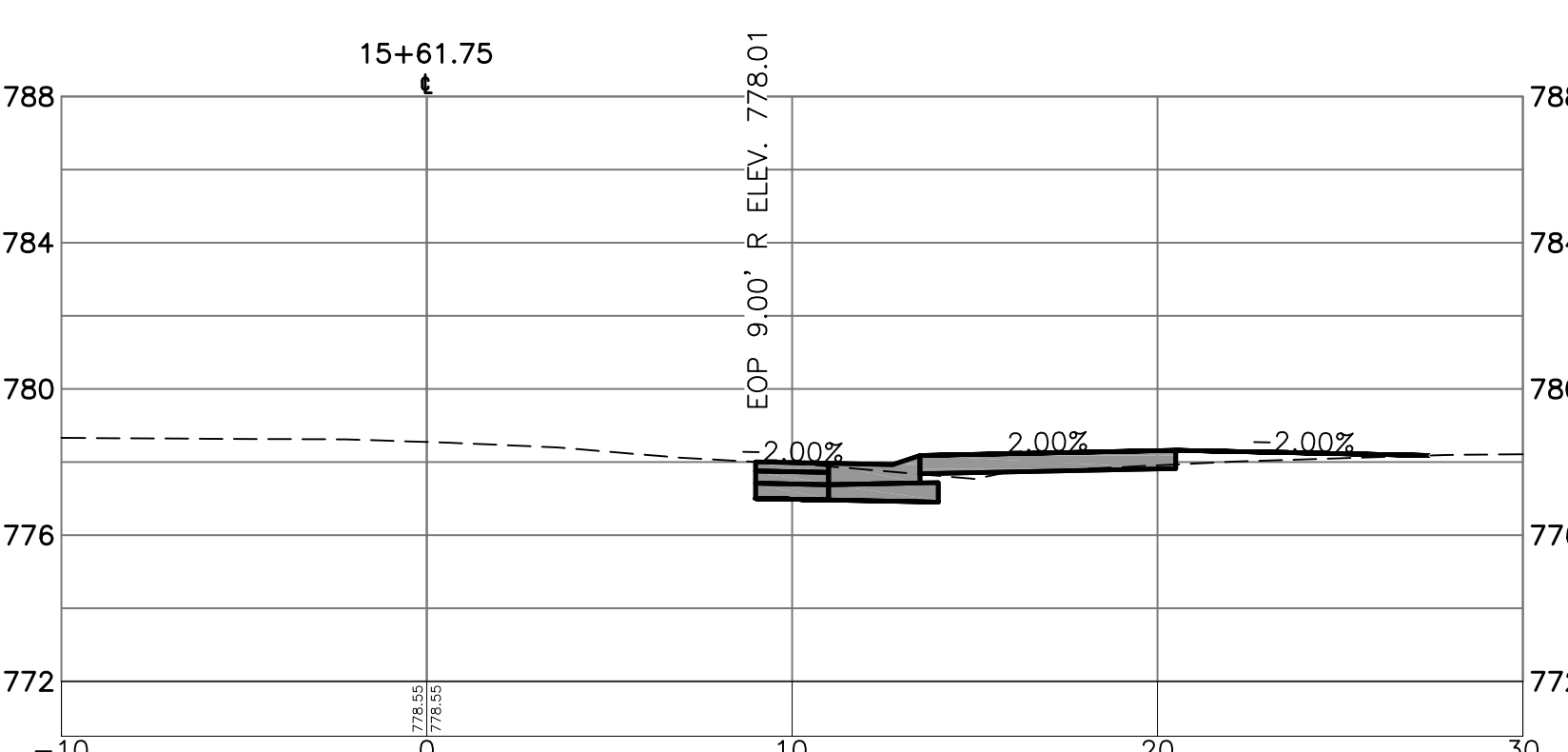
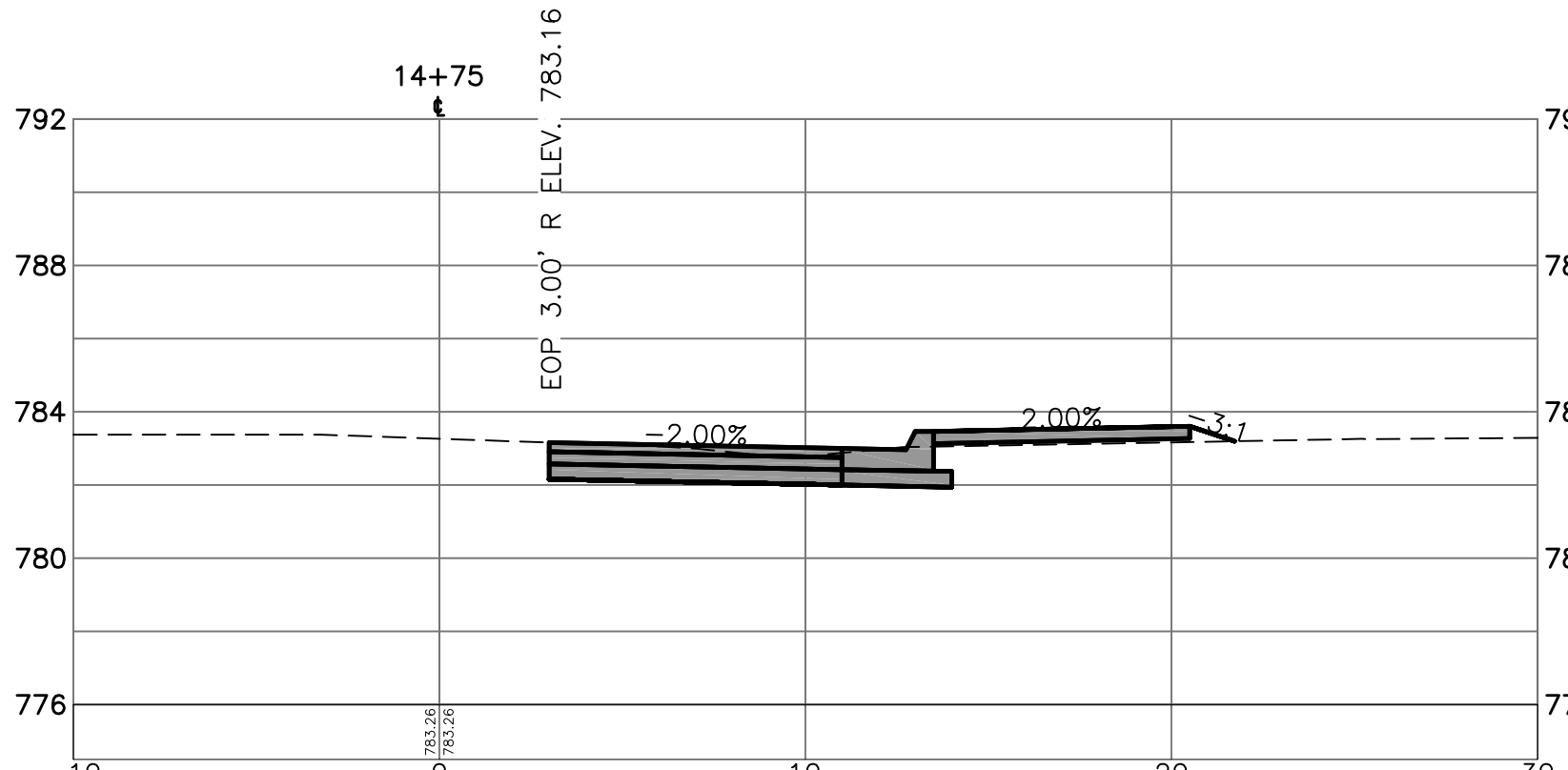
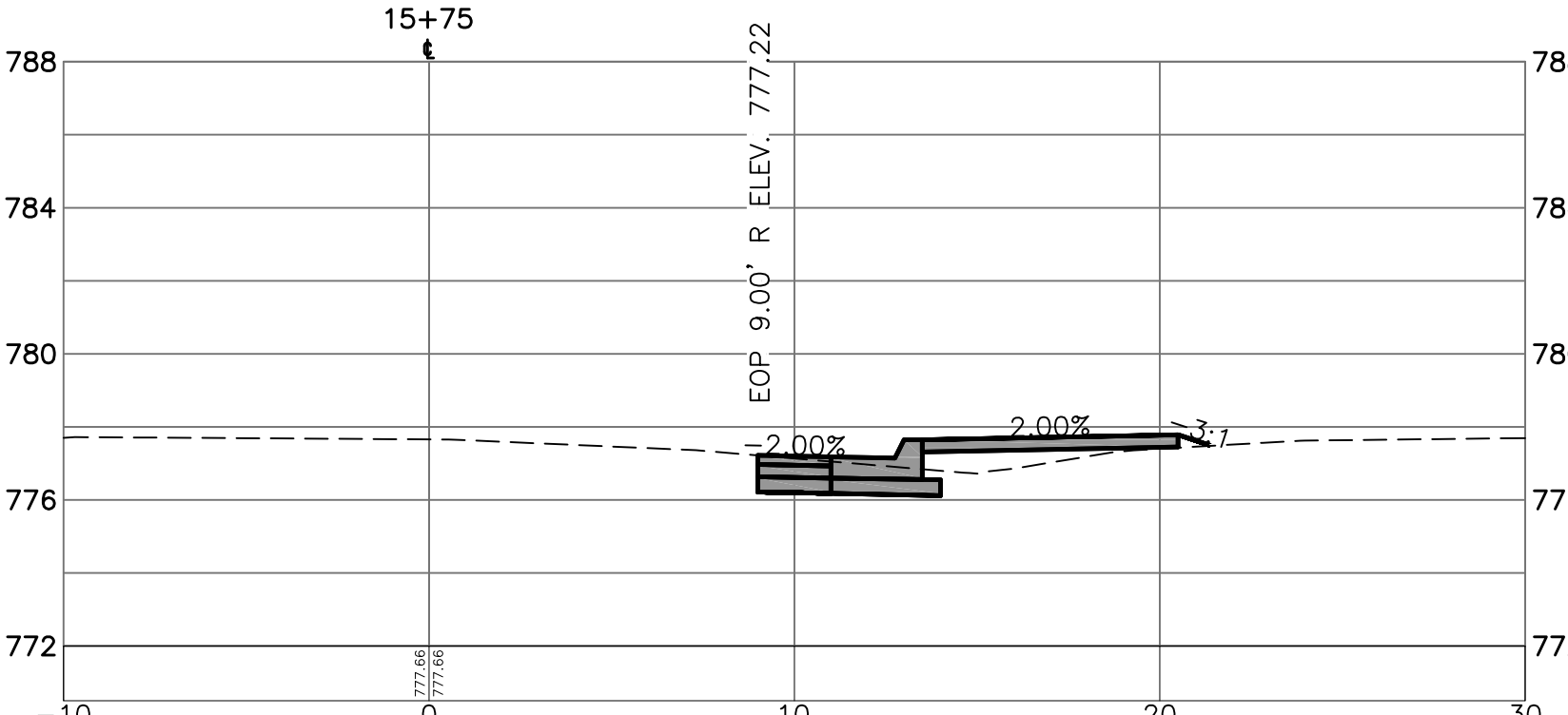
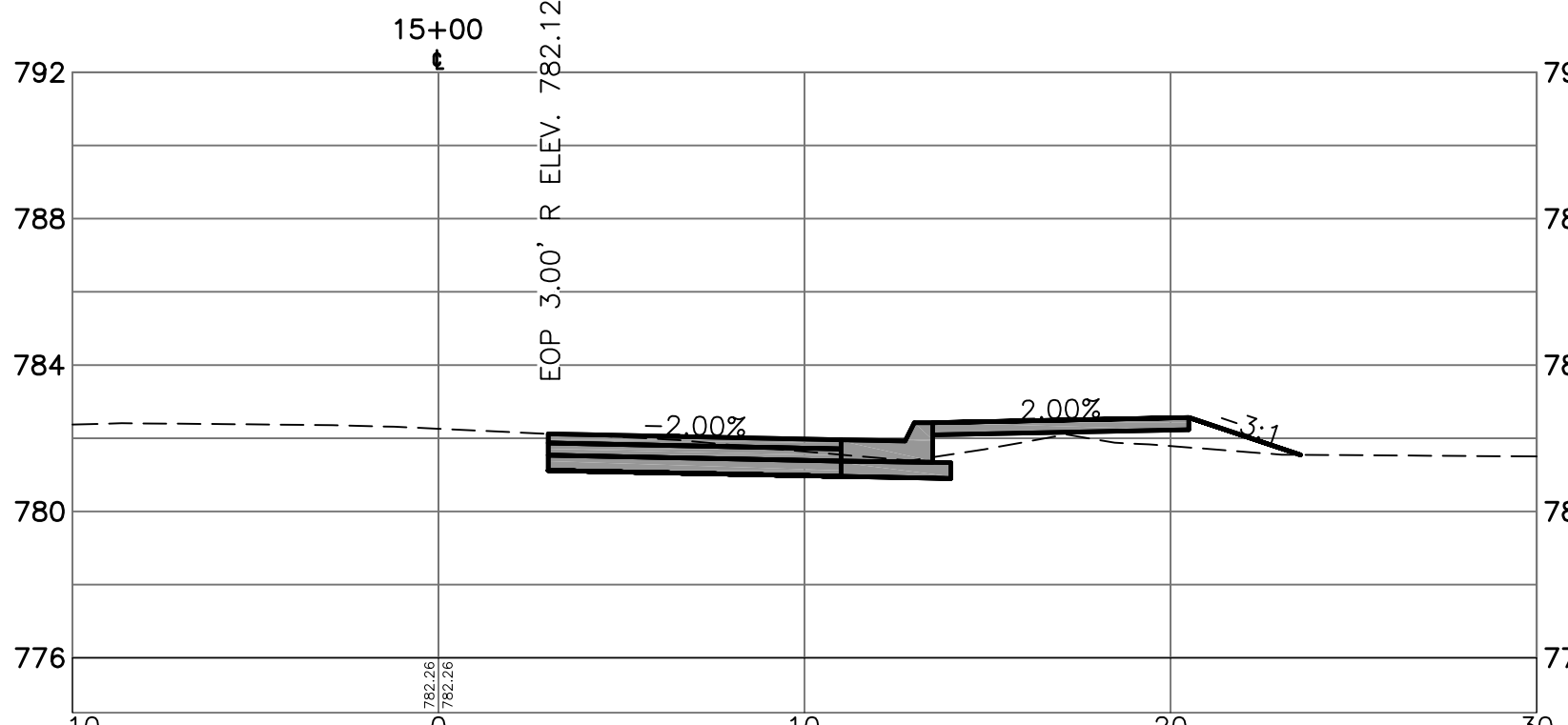
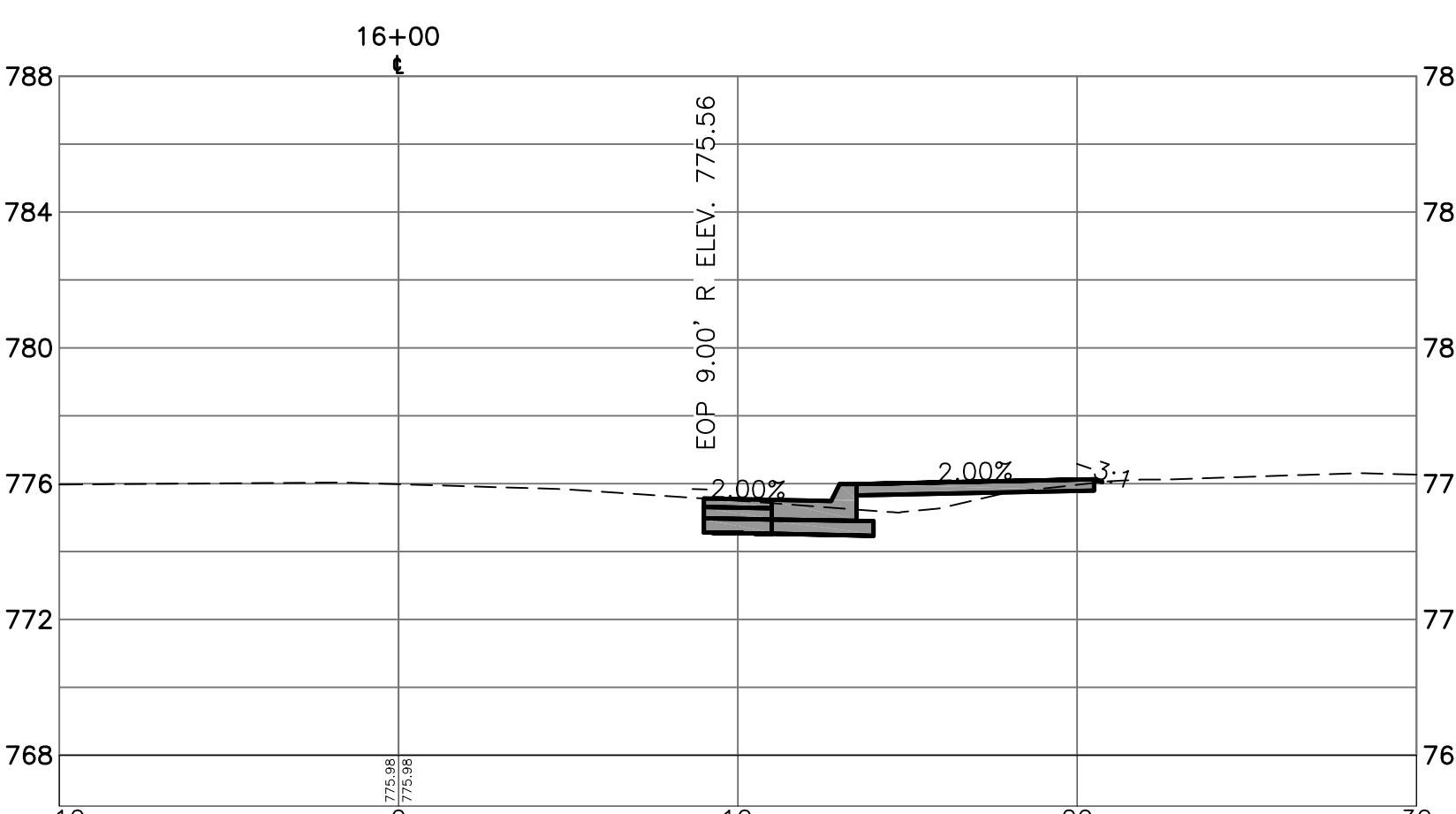
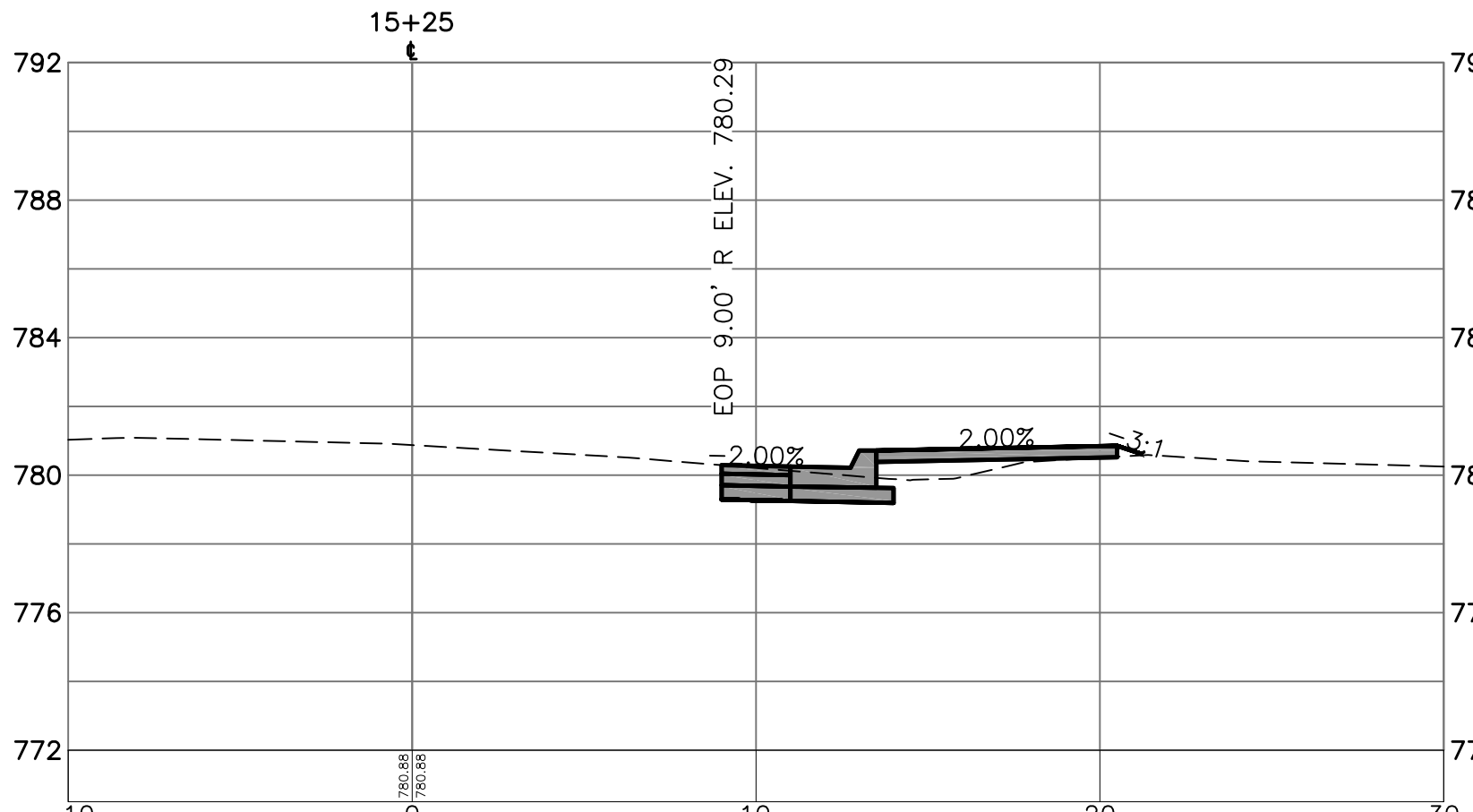
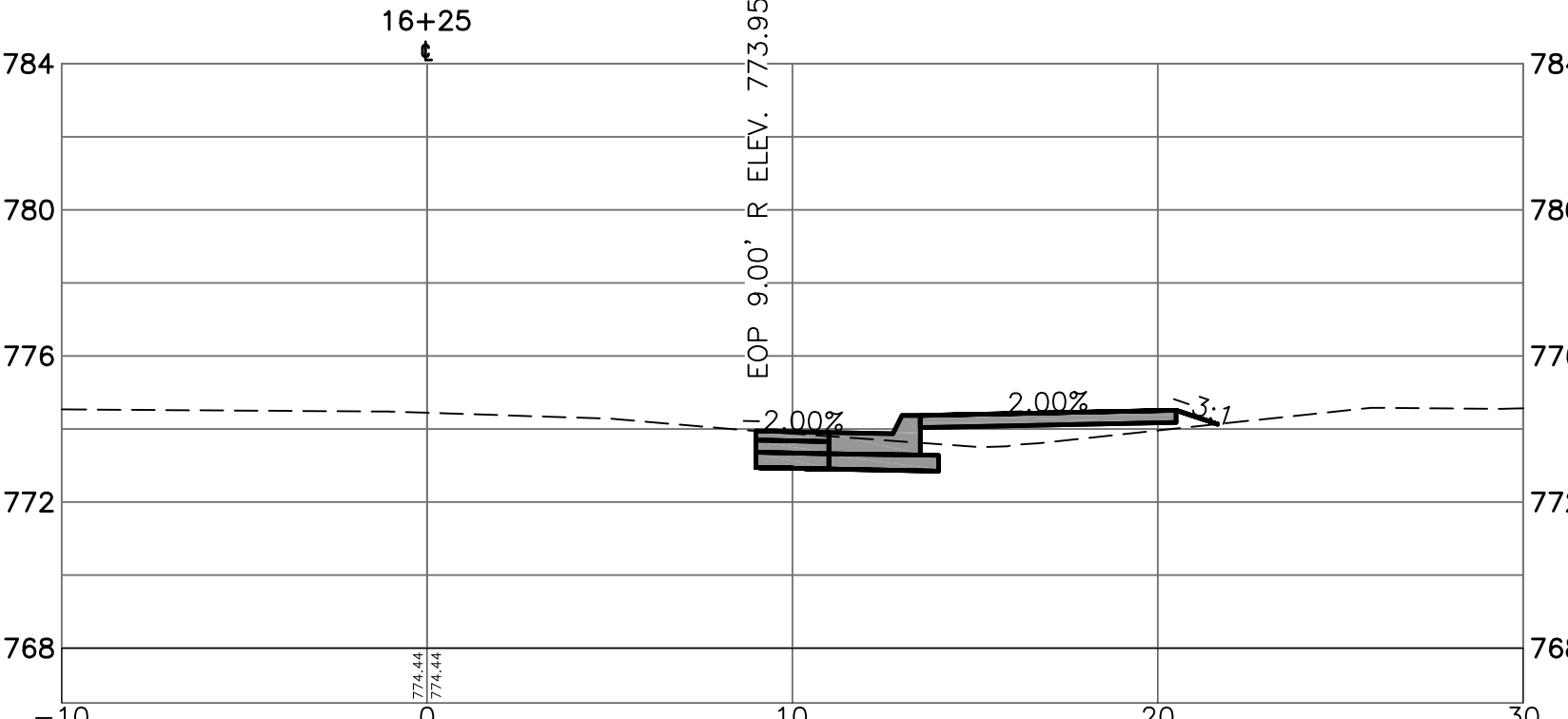
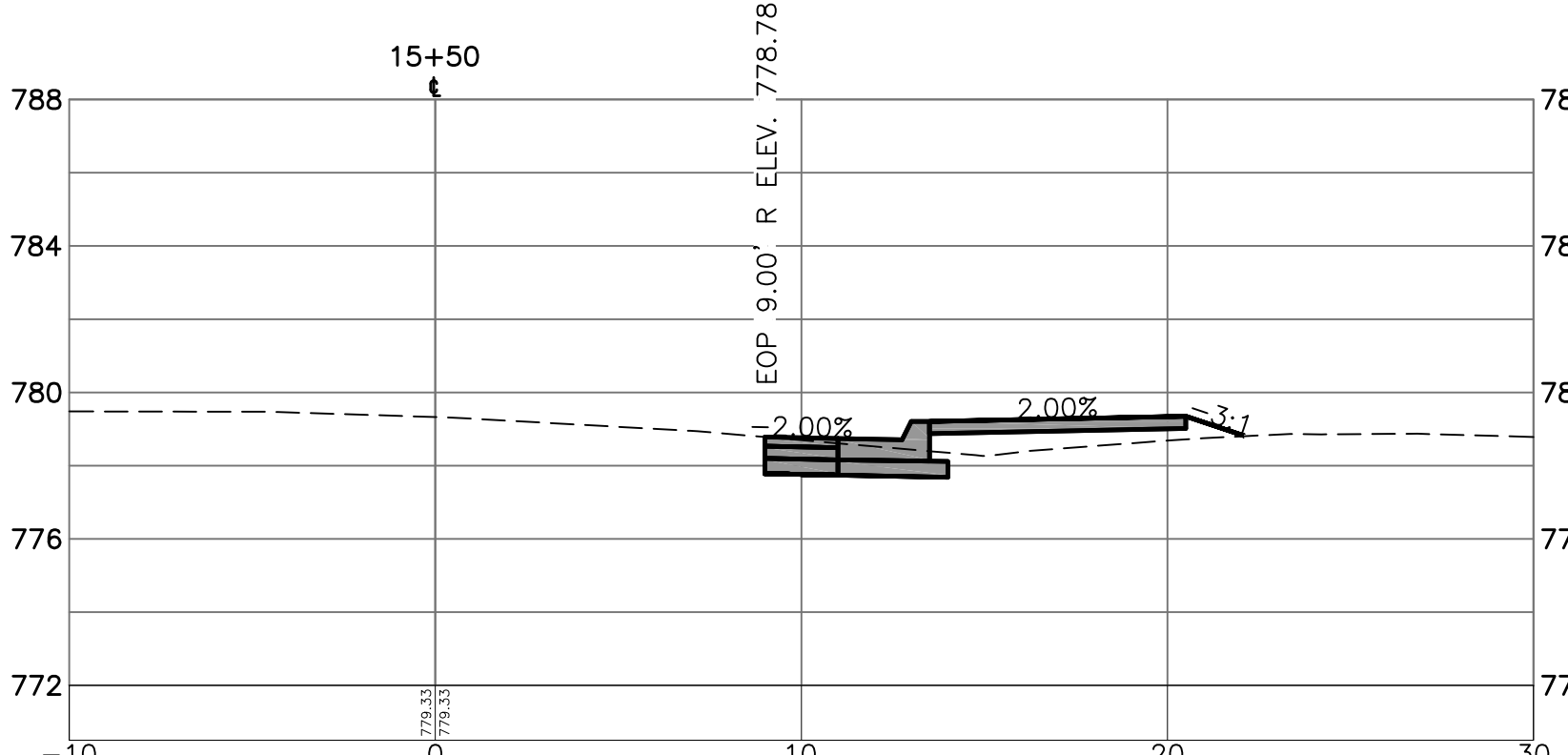
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PREPARED BY	CHECKED BY _____
SLIK	02/2023

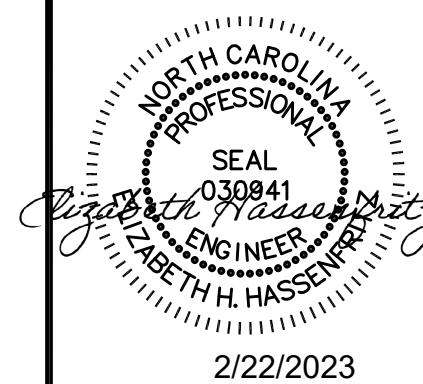
Cross Sections
L Sta. 12+75 to Sta. 14+45.37

OF
X3

-L- RUTH AVENUE CROSS SECTIONS

Plans Prepared By:

**City of Kannapolis
Engineering Department
401 Laureate Way
Kannapolis, North Carolina 28081
704-920-4300**

[illegible]

JOB NO. _____	
EHI PREPARED BY _____	BY CHECKED BY _____
Suk APPROVED BY _____	02/2023 DATE _____

Ruth Avenue Sidewalk Project

Cross Sections

X3 SHEET

X3 OF



Kannapolis City Council

City Council Agenda Staff Report

April 24, 2023

To: Mayor and City Council
From: Irene Sacks, Director of Economic & Community Development
Subject: Resolution of support NC Rural Transformation Grant Application

Action Requested by City Council

Motion to approve resolution to support City of Kannapolis application for NC Rural Transformation Grant for improvements to the Gem Theatre

Required Votes to Pass Required Action

Majority Present at Meeting

Background

The 3rd round of Rural Transformation Grants has been announced by the North Carolina Department of Commerce. These are federal funds provided to the state to distribute as a result of COVID-19. Only certain qualified census tracts and the portion of Kannapolis in Rowan County are eligible areas. This includes downtown, Midway, north Kannapolis, south of Dale Earnhardt Blvd on the east side of Cannon Blvd, and some portions of western Kannapolis. Eligible uses for the grant are:

- Downtown revitalization – public improvements, mixed use development, planning, economic development to improve tourism, streetscape
- Resilient neighborhoods – community development, neighborhood revitalization, quality of life improvements – affordable housing, addressing homelessness, small business assistance, eliminating food deserts, mixed-use development, neighborhood facilities
- Community enhancements for economic growth – acquisition of land/buildings, site preparation, environmental remediation, demolition/clean up
- Rural community capacity building – training, technical assistance to improve service delivery, support pandemic recovery, sustainability – probably not that relevant since these areas are such small sections of the city

Applications are due May 3, awards will be announced by June 13. Priority is given to applicants that can show that COVID-19 disproportionately impacted this community and how the proposed project helps address those impacts.

After discussion about several potential projects, including ones that are part of the draft Imagine Kannapolis Strategic Plan, staff has determined that interior improvements to the Gem Theatre would make the most suitable and compelling application. Staff is developing a project scope that will encompass the maximum grant amount of \$950,000. The improvements will include new seating, painting, and lighting. Additional improvements to the Gem are contemplated in the Strategic Plan and is anticipated to be part of the Capital Improvements Plan.

A formal resolution is required as part of the grant submittal.

Fiscal Implications

The maximum amount of the grant is \$950,000. No match is required, but the City will need to cover any project overages associated with the scope of work.

Policy Issues

None

Legal Issues

None

Recommendations and Alternate Courses of Action

1. **Motion to approve resolution to support City of Kannapolis application for NC Rural Transformation Grant for improvements to the Gem Theatre (RECOMMENDED)**
2. Table to a future meeting.
3. Take no action (i.e., non-support for the grant application).

Attachments

1. Resolution - Gem Theatre grant

**Resolution Authorizing the City of Kannapolis Application for the North Carolina
Department of Commerce Rural Transformation Grant Fund Rural Engagement &
Investment Program for the Gem Theatre Project**

WHEREAS, the City Council for the City of Kannapolis has indicated its desire to assist in downtown revitalization efforts within the City of Kannapolis; and,

WHEREAS, the City Council fully supports the proposed project for the Gem Theatre which will result in the improvements to the interior of a historic theatre; and,

WHEREAS, the City Council wished to pursue a formal application for Downtown Revitalization in the amount of \$950,000 from the North Carolina Department of Commerce, Rural Transformation Grant Fund, Rural Engagement & Investment Program; and,

NOW, THERFORE, BE IT RESOLVED, by the City Council of the City of Kannapolis:

That the City of Kannapolis is authorized to submit a formal application to the North Carolina Department of Commerce, Rural Transformation Grant Fund, Rural Engagement & Investment Program in order to provide assistance to benefit the Gem Theatre.

That this Resolution shall take effect immediately upon its adoption.

Adopted this the 24th day of April, 2023 in Kannapolis, North Carolina.

Milton D. Hinnant, Mayor

ATTEST:

Bridgette Bell, MMC, NCCMC
City Clerk



Kannapolis City Council

City Council Agenda Staff Report

April 24, 2023

To: Mayor and City Council
From: Bridgette Bell, City Clerk
Subject: March 13, 2023 Work Session Minutes

Action Requested by City Council

N/A

Required Votes to Pass Required Action

Majority Present at Meeting

Background

N/A

Fiscal Implications

N/A

Policy Issues

N/A

Legal Issues

N/A

Recommendations and Alternate Courses of Action

N/A

Attachments

1. 03-13-2023 Work Session Minutes

**CITY OF KANNAPOLIS
CITY COUNCIL MEETING
WORK SESSION MINUTES
March 13, 2023**

A regular work session meeting of the City Council of the City of Kannapolis was held on Monday, March 13, 2023, at 4:30 PM at the Kannapolis City Hall located at 401 Laureate Way, Kannapolis, NC.

CITY COUNCIL MEMBERS PRESENT:

Mayor: Milton D. Hinnant

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

Council Members Absent: None

City Manager: Mike Legg

Deputy City Manager: Eddie Smith

Assistant to the City Manager: Kristin Jones

Assistant City Manager: Wilmer Melton

Assistant City Manager: Eric Davis

City Clerk: Bridgette Bell

City Attorney: Walter M. Safrit

Staff Present: Richard Smith Irene Sacks

Others Present: Leslie Mozingo

APPROVAL OF AGENDA

Council Member Jackson made a motion to approve the agenda. Motion was seconded by Council Member Dayvault and approved by unanimous vote.

2023 Federal Action Plan (Mike Legg, City Manager, Leslie Mozingo, Strategies Consulting) (Copy included as Exhibit A)

A presentation was made by Leslie Mozingo of Strategies Consulting on the development of a Federal Action Plan (FAP) for 2023 (FY 24) is a key task for staff and our federal consulting firm Strategies Consulting. Included with this staff report is a list of legislative priorities,

funding needs and positions for the upcoming federal fiscal year. The FAP will serve as a simple guide for the City's pursuit of federal grants (included in the Bipartisan Infrastructure Bill and those that are available in other federal agencies). The FAP will also be the source for submitting one or more Congressionally Designated Fund ("earmark") applications. This list will also be provided to the City's Congressional delegation during the upcoming National League of Cities Conference in Washington DC.

Leslie Mozingo, with Strategics, will present the FAP and answer any questions about federal opportunities. It should be noted that in the first year of our agreement with Strategics, the City has already been successful in several grants, due in part to the advice and guidance from Leslie and her team.

2023 (FY24) FEDERAL ACTION PLAN

ISSUE	PRIORITIES
PUBLIC SAFETY	• Public Safety and Fire Station Improvements (such as Fire Stations 1 and 4, Western Cabarrus Communications Tower, Western Cabarrus Fire Station, Eastside Fire Station, Public Safety Training Center, and Public Safety Logistics Center). • Support for Homelessness and Affordable Housing Programs. • Support for Brownfields program, including Assessments and Improvements (such as Cannon Mills/former Pillowtex site).
PUBLIC INFRASTRUCTURE	• Kannapolis Lake Dam Repairs and Spillway Replacement. • Public Works Improvements (such as Public Works Operation Center Renovations, Water Treatment Plant Rehabilitation and Expansion, Land Acquisition around Kannapolis Lake, Water Main, and Water Hydrant Replacement). • Support for Stormwater Master Plan.

TRANSPORTATION	• Road and Intersection Improvements (such as Northern Extension of Kannapolis Parkway, China Grove Rd/Ebenezer Rd, Mt. Olivet Rd/South Cannon Blvd, Rogers Lake Rd, N. Loop Rd). • Support for Road Safety Improvements and Street Lighting Enhancements (such as MLK Blvd Pedestrian Bridge, Cannon Blvd Corridor Plan, Safe Streets Action Plan, and Lighting of Kannapolis Parkway and NC Highway 3). • Expansion of Amtrak Service/Commuter Rail and Railroad Fencing Improvements.
QUALITY OF LIFE	• Continued Downtown Development and Revitalization. • Support for North Carolina's potential bid for the Advanced Research Projects Agency for Health (ARPA-H). • Parks and Greenways Improvements (such as Eastside and Westside Parks and Irish Buffalo Creek Greenway Extension). • Preservation of the historic Gem Theatre.

Update on Downtown Parking (Eric Davis, Assistant City Manager) (Copy included as Exhibit B)

Due to time restraints, Council Member Wilson made a motion to table this matter to an undetermined date in April. Motion was seconded by Council Member Dixon and approved by unanimous vote.

Discussion of Private Use Zone Ordinance Implementation (Mike Legg, City Manager) (Copy included as Exhibit C)

Due to time restraints, Council Member Wilson made a motion to table this matter to an undetermined date in April. Motion was seconded by Council Member Dixon and approved by unanimous vote.

CLOSED SESSION

Mayor Pro tem Kincaid made a motion to go into closed session pursuant to GS 143-318.11 (a)(3) to preserve the attorney client privilege and GS 143-318.11 (a)(4) for discussing matters related to the location or expansion of industries or businesses in the area. Motion was seconded by Council Member Berry and approved by unanimous vote.

Council went into closed session at 5:00 PM.

Mayor Pro tem Kincaid made a motion to come out of closed session. Council Member Dayvault seconded the motion, and it was approved by unanimous vote.

1 Council came out of closed session at 6:00 PM.

2
3 Council Member Wilson made a motion to adjourn. Council Member Dayvault seconded the
4 motion, and it was approved by unanimous vote.

5
6 The meeting adjourned at 6:00 PM on Monday, March 13, 2023.
7
8
9

10
11 Milton D. Hinnant, Mayor
12

13 Bridgette Bell, MCC, NCCMC
14 City Clerk



Kannapolis City Council

City Council Agenda Staff Report

April 24, 2023

To: Mayor and City Council
From: Bridgette Bell, City Clerk
Subject: March 13, 2023 Business Meeting Minutes

Action Requested by City Council

N/A

Required Votes to Pass Required Action

Majority Present at Meeting

Background

N/A

Fiscal Implications

N/A

Policy Issues

N/A

Legal Issues

N/A

Recommendations and Alternate Courses of Action

N/A

Attachments

1. 03-13-2023 Business Meeting

**CITY OF KANNAPOLIS
CITY COUNCIL MEETING
BUSINESS MEETING MINUTES
March 13, 2023**

A regular business meeting of the City Council of the City of Kannapolis was held on Monday, March 13, 2023, at 6:30 PM at the Kannapolis City Hall located at 401 Laureate Way, Kannapolis, NC.

CITY COUNCIL MEMBERS PRESENT:

Mayor: Milton D. Hinnant

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

Council Members Absent: None

City Manager: Mike Legg

Deputy City Manager: Eddie Smith

Assistant to the City Manager: Kristin Jones

Assistant City Manager: Wilmer Melton

Assistant City Manager: Eric Davis

City Clerk: Bridgette Bell

City Attorney: Walter M. Safrit

Staff Present: Michael Dodge Tina Cline
Terry Spry Alex Anderson
Leo Pope Boyd Stanley
Gerald Faulkner Richard Smith
Irene Sacks Annette Privette-Keller
Tracy Winecoff Oscar Hopkins
Scott Kaufhold Michael Rattler
Gary Mills Jenny Johnson

Others Present: Travis Kiser Greg Summitt
James Livengood Linda Moore
Sam Moore Shari Hoehman
Katie Ruiz Jennifer Clarke
Andrew Adam Brent Adam

Ken Lingafelt	Jeremy Page
Curtis Plyer	Jonathan Lambert
Chase Crowe	Chris Howard
Sam Smith	Mark Spitzer
Grady Conner	Josh Meadows
Derek Moore	Joe Hatley
Mike Wallace	Verna Witherspoon
Tony Riddle	Gray Fisher
Laure Fisher	Kristina Salas
Keith Safrit	Tim Allen
Jim Grotha	Diane Grotha
William Joyce	Sophia Wilkerson
Josh Poe	Kaylee Poe
Donna Taylor	Chris Overcash
Steve Patton	Joe Hall
Kim Hall	Ron Haithcock
Barry Carter	Mike Roper
Kyle Lingafelt	Stefan Perrine
Pam Smith	Scott Huffman
Melanie Richardson	Grace Galloway
Chrystal Swinger	Jack McKinley
Carol Loewen	

CALL TO ORDER AND WELCOME:

Mayor Hinnant called the meeting to order and welcomed all in attendance. Mayor Hinnant led a moment of silent prayer and gave the Pledge of Allegiance.

Council Member Dixon made a motion to approve the agenda. Motion was seconded by Council Member Berry and approved by unanimous vote.

PROCLAMATIONS:

Mayor Hinnant read a Proclamation proclaiming 2023 Year of the Trail and March as American Red Cross Month.

CONSENT AGENDA:

Council Member Wilson made a motion to approve the Consent Agenda. Motion was seconded by Council Member Dayvault and approved by unanimous vote.

1. Cancel the March 27, 2023, Work Session, and Business Meeting (Mike Legg, City Manager) (Copy included as Exhibit A)
2. Amendments to Schedule 6(a) No Parking, Schedule 8 Speed Limit, and Schedule 3(a) Stop Signs (Michael Rattler, Director of Transportation & Environmental Services) (Copy included as Exhibit B)

3. Budget Amendment # 23-20 Appropriating Cash Reserves for Parks Related Purchases (Kristin Jones, Assistant to the City Manager) (Copy included as Exhibit C)
4. February 27, 2023, Work Session Minutes (Bridgette Bell)
5. February 27, 2023, Meeting Minutes (Bridgette Bell)
6. February 27, 2023, Closed Session Minutes (Bridgette Bell)

BUSINESS AGENDA:

Case No. CZ-2022-08 - Conditional rezoning request - Trinity Church Road and Stirewalt Rd (Richard Smith, Planning Director) (Copy included as Exhibit D)

Mr. Smith reported that City Council conducted a Public Hearing regarding case No. CZ-2022-08 on February 13, 2023. The hearing was closed, and City Council continued the case to March 13, 2023.

The applicant, John "Jack" McKinley, is proposing to rezone two acres (approximately 35.5 +/- acres) of property located at 6205 Stirewalt Road and 5032 Trinity Church Road, further identified as Cabarrus County Parcel Identification Numbers 46939615960000 and 46939663830000 from Agricultural (AG) zoning district to a Residential 4-Conditional Zoning (R4-CZ) district to allow for a 56-lot single-family detached residential development.

However, since the previous meeting, the site plan has been revised reducing the number of lots from 56 to 55 sites. 15,000-39,000 +/- sf lots (average lot size exceeds 18,000 sf (now over 18,650 sf). Includes perimeter buffer (min 15') and enhanced buffer at Trinity and Stirewalt frontage.

As shown on the subdivision plan, full-movement access is being provided on both Stirewalt Road and Trinity Church Road, both of which are NCDOT maintained. Both proposed points of access have received conceptual approval by NCDOT and the City. A Traffic Impact Analysis (TIA) is not warranted for the number of daily/hourly trips provided for this number of lots.

Two detention/water quality ponds are shown on the southern property boundary along with areas set aside for landscaped buffering/berms along both road frontages.

Mr. Smith stated this is the latest plan which combines two lots and includes a cul-de-sac. Staff has reviewed the plan and agrees with the change of layout, however, does not agree with the cul-de-sac and would like for the property to be stubbed out to the adjacent parcel.

Although the applicant intends to connect to City water and sanitary sewer, information has been provided to staff and was also presented at the neighborhood meeting held on November 2, 2022, regarding alternative individual septic systems. The applicant has indicated that they fully intend to utilize City sewer but given the timing and uncertainty of wastewater allocation and capacity in the short-term, individual septic systems were being proposed as a possible alternative. Additional concerns brought up at the neighborhood meeting by area residents included the proposed lot size, buffering/screening, well contamination (assuming septic alternative) and consistency with the character of surrounding neighborhoods.

1 Although the applicant is requesting the R4-CZ zoning designation, which allows for a density of
2 up to 4 units per acre, the overall density being requested is 1.56 dwelling units per acre. This
3 density calculation assumes the total acreage divided by the total number of lots and includes
4 common open space, landscaped buffers, and natural areas. Since this request is for conditional
5 rezoning, the requested density of 1.5 units per acre is all that would be permitted if approved.
6 Under the current AG zoning, the maximum density is 1 unit per acre with a 1-acre minimum lot
7 size. All surrounding properties are zoned City of Kannapolis AG or Cabarrus County AO
8 (Agriculture/Open Space).

9
10 The subject properties were part of a rezoning petition withdrawn by MI Homes in 2018, which
11 included additional properties along with higher density and smaller lots. The properties were
12 initially zoned AG in 1999 as part of the Coddle Creek Annexation by the City.

13
14 Section 2.5.A.(2).c of the KDO states that Amending the Zoning Map is a matter committed to the
15 legislative discretion of the Planning and Zoning Commission or of the City Council, as authorized
16 by this section. In determining whether to adopt or deny the proposed amendment, the Planning
17 and Zoning Commission or the City Council, as applicable, may consider, and weigh the relevance
18 of, whether and to what extent the proposed Zoning Map amendment:

- 19
20 1. Is the proposed rezoning consistent with the Comprehensive Plan and other applicable
21 adopted City plans? The property is in the “Neighborhood Transition 1” Character Area as
22 designated in the Move Kannapolis Forward 2030 Comprehensive Plan. This Character
23 area’s primary use is listed as single-family detached residential with a desired density not
24 to exceed 3 units per acre. The proposed use(s) is consistent with the goals and objectives
25 of the Plan.
- 26 2. Is the proposed rezoning in conflict with any provision of this Ordinance or the City Code
27 of Ordinances? No. The property is currently vacant.
- 28 3. Does the proposed rezoning correct an error in the existing zoning present at the time it
29 was adopted? No, the subject property has been zoned AG or equivalent since annexed into
30 the City of Kannapolis in 1999.
- 31 4. Does the proposed rezoning allow uses that are compatible with existing and allowed uses
32 on surrounding land and with the stability and character of any adjacent residential
33 neighborhoods? Yes, the subject property is located approximately one-half mile west of
34 the intersection of Mooresville Road (NC 3) and Kannapolis Parkway which is anticipated
35 to see more development in the future. The proposed subdivision plan provides for a
36 transition from higher-density development to the east and lower-density development to
37 the west/southwest.
- 38 5. Does the proposed rezoning ensure efficient development within the City, taking into
39 consideration the capacity and safety of the street network, the adequacy of public facilities,
40 the suitability of the land for the uses allowed under the existing zoning, and other relevant
41 considerations? Yes, there are no anticipated traffic concerns. There are two proposed
42 points of ingress/egress onto two NCDOT roads.
- 43 6. Does the proposed rezoning result in a logical and orderly development pattern, taking into

consideration the size of the subject lands and the zoning and existing and proposed development on surrounding lands? Yes, the proposed development provides a balance between surrounding low-density single-family residential land uses and the maximum density of 3-units per acre supported in the Comprehensive Plan.

7. Does the proposed rezoning result in significant adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment? There are no negative environmental impacts, and the development will be required to conform to all applicable local, state, and federal environmental regulations. The property is located along the fringe of the Protected Watershed Area for the Coddle Creek Reservoir (WS-II BW) which limits the maximum built-upon area to 12% utilizing the low-density option.

City Council continued this case after holding the public hearing at the February 13, 2023, meeting. **Council requested additional information, primarily related to the alternative septic system, before deciding on this request.**

- This proposed development has not been approved by Cabarrus County for a Block Panel Septic System (BPSS) at this point.
- These types of systems use 50% of the area that a conventional system uses if soils are conducive.
- This site may not be the most conducive site for BPSS.
- BPSS not a system that is typically used in subdivisions but could be if soil supports.
- City of Kannapolis is not the authority for septic approval in Cabarrus County.
- There is no minimum lots size set, this is part of the analysis conducted by Environmental Health specialists; soils dictate lot sizes based on area needed.
- The BPSS is an approved system under state and county guidelines, but it is not specifically approved for this site now.
- Community systems are regulated by NCDEQ only, not CHA.
- KDO

Mr. Smith deferred to Chrystal Swinger, Environmental Health Director with Cabarrus Health Alliance (CHA) for more information regarding the Panel Block System (BPSS)

Ms. Swinger stated one of their programs is the septic tank permitting. She explained they do see the BPSS in Cabarrus County and is a very effective system but is not used very often because of the high cost. The BPSS looks like a cylinder block and can either go in horizontal or vertically. The septic comes through the pipe and into the panel blocks that are put together and act as a foam seal so that it keeps everything contained within the panel blocks itself. There will be sections of block then a break, three or four blocks, then another break. This will go however far is needed.

Why the panel block system is used especially over at the lake area is because they are good for smaller areas with deep soil. They have seen several in Cabarrus County and have worked fine if they are maintained, just like any other septic system. The blocks are very porous and pulls the

1 sewer into the blocks to allow the pathogens to be broken down by the bacteria. In their design
2 system from the manufacturer, so much sand is put in each of those sections and will add micro
3 pores so the pantheons can break down further.

4
5 Mr. Wilson stated in Mr. Smith's bullet points, it says that the BPSS has not been approved for
6 this design. Ms. Swinger stated there has been no soil evaluation done by the local health
7 department and no soil list that has been received. Mr. Wilson stated so that you have not approved
8 this system so far. Ms. Swinger responded that is correct and the owner may have gotten a license
9 for a scientist to perform a soil analysis, but they have not received any.

10
11 Mr. Wilson stated is this system not typically used in subdivisions. Ms. Swinger responded that
12 she has not seen them in any subdivisions, but that does not mean it is not applicable. It is just that
13 they don't have a lot of whole subdivisions that go in with all septic systems. Mr. Wilson stated
14 one thing that was mentioned at the last meeting, and he hoped she could clear up, is there a
15 minimum lot size or septic size. Ms. Swinger responded there is not. The 1900 rules do not state a
16 minimum size, just that everything must fit.

17
18 Mayor Pro tem Kincaid asked if these systems have drain fills. Ms. Swinger explained that the
19 block is the drain fill and deferred to the design picture that Council was given. The blocks are
20 what you would call a leach or septic line, but if gravel or chambered, would be all the same. Mr.
21 Kincaid asked if the system would work as well for a four-bedroom house and two-bedroom house.
22 Ms. Swinger stated the system can be used for a two-four or ten-bedroom homes. Part of their
23 evaluation is that they take the number of bedrooms which is 120 gallons per bedroom, and they
24 do the soil evaluation based on the characteristics of the soil, soil redness, soil depth, mineral
25 ology, and whatever number they formulate is coupled with the gallons per day. That would give
26 them a loading rate for the soil. So, whatever that ends up being, if 1200 sf, you would need 50
27 septic lines and if you use the black box system, it allows you to do 50% less area. In reference to
28 a chamber system, you get 25% less reduction. Depending on the accrue system, you may get a
29 reduction in the size you need.

30
31 Mr. Kincaid stated there were two or three items that had not been clear, like the soil had not been
32 tested. So, your office has not been contacted in anyway. He would think with this much
33 controversy as everyone has had for this project, that the builder would have already contacted you
34 and had some of these items checked. That would give us more positivize information to these
35 properties. Ms. Swinger stated that Mr. McKinley has not called them as far as asking questions
36 about soil and the panel block system and other systems and inquiries in general. They have not
37 done a formal soil equalization, but there has been discussion on the possibilities and permitting.
38 Mr. Kincaid asked is there a reason they have not done so. Ms. Swinger responded they cannot do
39 an evaluation until they receive an application.

40
41 Mr. Wilson asked what the approximate cost is to put in a BPSS. Ms. Swinger responded that she
42 did not know. They try not to get involved. Mr. Wilson asked what about a standard septic tank
43 how much additional maintenance is there. Ms. Swinger stated that additional maintenance for a

1 chamber system, there is not a required maintenance system, but some systems go in with a drip
2 system and are required to have a maintenance contract to come out once a year and check to be
3 sure everything is functioning property. The BPSS does not require that. They are very specific in
4 their installation and in the picture is an actual brand and they will come out and help the installers
5 put in the system if they are not familiar with them. There is a specific way the system goes in,
6 and the installation needs to go in properly. No maintenance after that regarding the drain lines,
7 but they do recommend that you pump out your septic tank every five years.

8
9 Council Member Jackson asked if once the system is installed, will there be another inspection?
10 Ms. Swinger explained that once the system is installed, they will go and watch the installation
11 and make sure that it is done properly and GPS all the components of the septic system and once
12 it is approved, would be the final operations permit.

13
14 Council Member Dayvault asked is she has ever seen this system in a dense environment as in this
15 55 lots subdivision, or has she ever seen a 55-lot subdivision lot have separate septic tanks. Ms.
16 Swinger stated there are some subdivisions that do have all septic chamber systems, but for the
17 most part, a scientist will come in and look at the whole thing and see how many septic systems
18 they can have, then divide it into lots. That is one way to go about that and is perfectly legal for
19 them to submit 56 applications. Whether they are all grouped together or separate lots, is not
20 applicable to them.

21
22 Council Member Berry asked if these block panel systems are not maintained, will there be more
23 problems like smells. Ms. Swinger stated when a company has a new septic tank material they
24 want to use, they must go to the State engineers, and submit all their research. Then after three or
25 five years of an experimental process, the system is put in and monitored and determine what the
26 failure rate is among other things.

27
28 Mr. Dayvault asked if this has already been through that process. Ms. Swinger stated yes.

29
30 Mayor Hinnant asked what is the distance that a well must be separated from the septic system.
31 Ms. Swinger stated 150 feet and if a satellite system would have to be a little further.

32
33 Mayor Hinnant stated knowing what you know about clay soil in this region, what would you say
34 is the average amount of fuel lines that you routinely approve on a standard septic tank. Ms.
35 Swinger stated typically for a drain line on average is 1200sf.

36
37 Mayor Hinnant asked that Mr. Smith and Mr. Melton come to the podium.

38
39 He asked if water and sewer is available to this subdivision? Mr. Smith's understanding that water
40 and sewer is available. So, all 55 lots could have water and sewer if the developer of the property
41 puts in the infrastructure and connects to our system. Mr. Melton stated that is correct, water is
42 available, sewer is in proximity where it could be extended.

43 Mayor Hinnant asked if the petitioner has made any indication if he would be interested in our

1 water and sewer system. Mr. Smith stated that he has and has gotten the matrix for the wastewater
2 allocation. Mr. Hinnant asked if there was any more space than the 55 lots. Mr. Smith stated no.

3
4 Mayor Hinnant stated if the applicant has committed to giving water and sewer to all 55 lots, if
5 there is no more space for additional lots, then there is no space for these systems. What would the
6 systems be hooked up to. There are no other lots to be connected. Mr. Melon explained water is
7 available, and if sewer is extended, will have the issue of treating capacity that we would have to
8 allocate for this project. Currently there is a waiting period and is the reason the applicant is looking
9 at other options.

10
11 Mayor Hinnant asked if we currently have a policy that says if you buy water from us, you must
12 buy sewer if available. Mr. Melton stated we do not, but if a new development they encourage to
13 take water and sewer.

14
15 Mayor Hinnant stated if we have sewer capacity for this location, and he wanted our water, are
16 you saying that we cannot require him to have sewer. Mr. Melton stated if there were plenty of
17 capacity, he would have to connect to both.

18
19 Mayor Hinnant asked has the petitioner been asked would he only commit to water and sewer if
20 water and sewer is available. Mr. Smith responded they have had that conversation and he has
21 committed to that as a first resort. If water and sewer is not available, the block system would be
22 an alternative.

23
24 Mayor Hinnant asked if the applicant would be willing to give up the right to use this block system
25 if sewer is available, if six months or a year from now. Mr. Smith stated he has not posed this
26 question to the applicant.

27
28 Mayor Hinnant asked City Attorney Safrit if we negotiate a sewer agreement with the applicant,
29 could we ask to give up the right to use the block system. Mr. Safrit stated he could waive the right
30 to install with a sewer agreement. Can we require him to commit to water and sewer even if it took
31 a period before the allocation is available. Mr. Safrit stated that is the unique problem we have
32 now. From a legal standpoint, he could do so by an agreement, but if you require him, would
33 present a legal issue.

34
35 Mr. Smith finished his presentation by stating off Council deems this request to be consistent
36 with the Move Kannapolis Forward 2030 Comprehensive Plan, staff recommends, and the
37 applicant has agreed to, approval with the following conditions for Conditional Zoning Map
38 Amendment Case #CZ-2022-08:

- 39
40 1. The permitted uses allowed by this rezoning shall only include the single-family detached
41 residential densities as shown on the conceptual site plan approved with this rezoning.
42 2. NCDOT driveway permits shall be obtained for both proposed access points.
43 3. A Final Site Plan, in compliance with all applicable KDO standards, shall be submitted to

- 1 and approved by City Staff prior to issuance of a Zoning Clearance Permit.
- 2 4. Comply with current Land Development Standards Manual.
- 3 5. The alternative individual septic/wastewater system shall only be considered if
- 4 capacity/allocation are not available at the time of development.
- 5 6. Inclusion of a minimum of a 15 feet wide buffer around the perimeter of the project.
- 6 7. Relevant conditions from Trinity Crossing approval as it relates to KDO standards, but no
- 7 residential design standards.
- 8

9 After deliberating on the matter, Council may:

10

11 Approve the request as submitted.

- 12 • Must include motion to adopt statement of consistency (SOC) and
 - 13 • Motion to adopt resolution to zone (RTZ)
- 14

15 Deny this request and take no further action.

- 16 • Must include motion to adopt inconsistent SOC and
 - 17 • Motion to deny RTZ.
- 18

19 Deny request and pursue another zoning district (straight rezoning)

20

21 There was some discussion about asking the petitioner to wait until 24 months to see if sewer is

22 available.

23

24 Council Member Wilson made a motion to postpone taking action to the April 10th meeting.

25 Motion was seconded by Council Member Dayvault.

26

27 Mayor Pro tem Kincaid stated it is his understand that the only reason he wanted to go with the

28 block system is because of the sewer allocation. So are we asking him to wait 24 months to get

29 sewer. Could we not ask him that now. Mr. Safrit stated the public hearing would have to be

30 reopened if you wanted to hear from the petitioner.

31

32 Mayor Hinnant restated the motion to postpone action until April 10 to allow Staff to seek a request

33 of the petitioner to see if he is willing to only connect to water and sewer if sewer capacity is

34 available within a 24-month time. The motion was approved by unanimous vote.

35

36 **Public Hearing to receive comments on the 2023 Water Shortage Response Plan. (Alex**

37 **Anderson, Director of Water Resources (Copy included as Exhibit E)**

38 Mr. Anderson explained the March 2023 Water Shortage Supply Plan and the procedures therein

39 have been updated and upon City Council's approval will be submitted to the State that provides

40 for reductions in water demand and protocol for supplementing existing drinking water sources in

41 the event of inadequate supply to meet demands. North Carolina General Statute 143-355 requires

42 that each unit of local government approve a Resolution formerly adopting their Water Shortage

43 Response Plan.

1 This plan and the procedures herein are written to reduce potable water demand and
2 supplement existing drinking water supplies whenever existing water supply sources are
3 inadequate to meet current demands for potable water.
4

5 Prior to Council acting on the Water Shortage Response Plan, customers shall have the opportunity
6 to comment on the provisions of the Plan. There has been no substantive change since our original
7 approval in 2009.
8

9 There being no questions or comments, Mayor Hinnant opened the public hearing to those in
10 attendance for an opportunity to speak. There being no speakers, Mayor Hinnant closed the public
11 hearing.
12

13 Council Member Dayvault made a motion to approve a Resolution accepting the March 2023
14 Water Shortage Response Plan and submitted to the Department of Environment and Natural Resources,
15 Division of Water Resources Motion was seconded by Mayor Pro tem Kincaid and approved by
16 unanimous vote.
17

18 **Employee Enrichment includes Longevity Pay, Performance Merit Pay and Cost of Living**
19 **(COLA) adjustment (Tina Cline, Human Resource Director) (Copy included as Exhibit F)**

20 In addition to implementation of the market study, Staff will be including several other
21 recommendations and policy revisions in the upcoming proposed FY 24 operating budget. These
22 recommendations are to further recruitment and retention efforts, recognize commitment and
23 longevity with the City of Kannapolis, and further distinguish the City of Kannapolis as an
24 employer of choice in region and among our market peers.
25

26 A power point presentation was given by Mrs. Cline pertaining to the Position Classification Salary
27 Study. The last classification/salary study was completed in April 2019. The 2019 study included
28 21 area municipalities and received responses from all agencies except Lexington, Thomasville,
29 and Union County. Responses for Charlotte and Mecklenburg County were included with a few
30 exceptions. Out of the 77 job classifications surveyed, showed a sufficient increase over the 2019
31 study. Some of the challenges created by the number of job classifications surveyed were that some
32 respondents did not compute, and report average actual salaries, the lack of sufficient job class
33 matches for unique job classifications and several agencies did not respond. Only one job class
34 was surveyed for job class families. Mrs. Cline explained that a job class family exists when there
35 are levels of a job class. The job duties performed most closely represented what would be
36 expected if there were just one level. She explained how they determined the Market Rate is to
37 take the computed market midpoint median for each job classification surveyed and determined
38 the market rate variance by comparing the market median to the City's midpoints for each job
39 class surveyed. She gave an example how the market rate is determined by taking salary range
40 midpoints as reported for a particular job classification. In this scenario, the market rate would fall
41 6.8% below the market. The recommendation would be to allocate the job classification one pay
42 grade above its current pay grade.
43

1 This analysis was completed for each job classification surveyed. The relationship to the market
2 defined as:

- 3 • Below Market - the City's midpoint is 5% more below the market rate.
- 4 • At Market - the City's midpoint is less than 5% below or less than 5% above market rate.
- 5 • Above Market - the City's midpoint is 5% or more above market rate.

6
7 Out of the 77 job classifications surveyed, the following market relationships were defined.

- 8 • 47% (36) were below market.
- 9 • 25% (19) were at market.
- 10 • 18% (14) were above market.
- 11 • 10% (8) insufficient responses received.

12
13 The objectives of the implementation strategy are to:

- 14 • Right size job classifications that are under classified,
- 15 • Improve the City's ability to attract and recruit qualified and experienced candidates.
- 16 • Maintain internal equity.

17
18 To accomplish these objectives, Staff recommends the following actions:

- 19 • Adjust the pay ranges by 10% to achieve 110% of the market rate-
- 20 • Allocate job classifications that are below the market as recommended.
 - 21 - Market adjustment is 3% per grade or to the minimum of the new grade.
 - 22 (whichever is greater)
- 23 • Adjust allocations as needed to maintain internal equity and supervisor relationships.
 - 24 - Market adjustment is same as above.
- 25 • Adjust pay to the minimum of the range or adjust pay by 2%, whichever is greater, for all
- 26 employees whose job classification is not being reallocated.
- 27 • Implement job classification and pay adjustments effective April 5, 2023, with bonus
- 28 payment retroactive to the first pay date of January.
- 29 • For all employees, compute a bonus payment equal to the difference between the new rate
- 30 of pay and the pay rate that was in effect for the first pay date in January 2023 multiplied
- 31 by the total hours worked for the pay periods in January, February, and March.

32
33 Of the 370 employees, only 110 were being compensated at a rate that was below the minimum of
34 the pay grade. Of the 370 full-time employees reviewed, 295 employees will receive an increase
35 in pay not less than 3% with an average increase of 5%. Other remaining employees will receive
36 a 2% increase in pay to maintain internal equity. Note: Analysis was not completed for impacted
37 part-time employees.

38
39 A proposed job classification schedule recommends the following changes as indicated on the
40 attached job classification schedule. Red font indicates job classifications that were below market
41 rate. Green font indicates job classifications adjusted to maintain internal inequity and supervisory
42 relationships and Grade in black type represents both current and proposed grades listed for
43 reference.

1 The projected annual cost to implement the study findings using Staff recommended strategy is
2 \$1,230,000 including benefits and payroll taxes. By implementing the plan retroactive to January
3 2023 (January, February, and March) paid as a lump sum amount, projected impact is \$615,000.

4
5 Mrs. Cline responded to questions by Council.

6
7 Council Member Berry asked if those agencies which she did not get sufficient information to
8 compare, how they would compare. Mrs. Cline responded they were still able to analysis those
9 positions, but in a different way.

10
11 Mayor Pro tem Kincaid stated at one time, there was a situation when new employees were hired,
12 their salaries were close to those already employed. So, it was not taken into consideration how
13 long one was employed. He said that was unfair to the ones who had been employed a long time
14 and asked Mrs. Cline if that had been taken into consideration. Mrs. Cline stated they did and that
15 was the reason for recommending the 3% per grade.

16
17 Council Member Jackson asked if this money would come from the current budget. Mr. Legg
18 responded yes and would use some cash reserves. He also stated there was some funding in the
19 current budget that would have to be increased to get through this calendar year, plus the bonus of
20 the back-pay. The FY 23 projected impact is \$615,000. With the new budget FY24-25 would
21 proceed with the projected annual cost.

22
23 Council Member Dayvault stated he is still concerned if you look at the development range of the
24 construction maintenance workers and the ability to recruit people. He further stated the numbers
25 are still low compared to what the private sector is recruiting at. He understands the comparison
26 with other cities, and it takes the government forever to do anything. The reason why we are losing
27 employees at Public Works is because of the private sector. With his experience on the campus,
28 they have been trying to recruit people within what you consider is average, because it is
29 impossible to get people. He can't speak to all the jobs but hopes this issue can be addressed.

30
31 Mayor Pro tem Kincaid made a motion to amend the salary position classification schedule (110%
32 Above Market) as presented. Council Member Jackson seconded the motion.

33
34 Council Member Dayvault added that Staff needs to look harder at those job classifications. There
35 is a reason we are down employees.

36
37 Mr. Legg clarified that Mrs. Cline will be presenting additional recommendations. Before making
38 motions, Council may want to continue to hear Mrs. Cline's presentation and act on all motions at
39 once, or Council may proceed with making motions. It was the consensus to hear Mrs. Cline's
40 recommendations before acting.

41 Longevity Pay – A longevity bonus pay was adopted in 1987 that recognized length of service
42 with payment of a longevity bonus that was based on years of service and computed as a
43 percentage of the employee's base salary. The longevity pay plan was extremely expensive to

maintain. In 2000, longevity pay was discontinued for new full-time employees hired on or after September 11, 2000, and frozen at the dollar amount for employees who were already receiving longevity payments. Since 2000, the longevity bonuses have largely been eliminated through attrition. Currently, there are 39 employees currently receive a lump sum bonus payment ranging from \$255.67 to \$3,649.06 with an average of \$664.97.

Other agencies in our market group used their American Rescue Plan Act (ARPA) funds to pay bonuses to existing employees and/or to pay hiring bonuses as a recruitment tool. The City of Kannapolis did not implement any type of bonus during the pandemic. Based on survey responses, we learned employees felt the lack of bonuses negatively impacted retention and morale.

It is proposed to reinstate a new longevity pay plan to enhance retention and morale of existing employees recognize loyalty and commitment to the City and its citizens further establish the City of Kannapolis as an employer of choice. Longevity payments will be computed and paid annually on the pay date preceding the Thanksgiving holiday as follows. Currently, only 39 employees receive a longevity benefit. Under this proposal, 221 full-time employees who have completed five or more years of service with the City of Kannapolis will be recognized, and the new proposed annual benefit will exceed all existing amounts:

<u>Length of Service</u>		<u>\$800 Increments</u>	<u>Total Employees</u>
5 to 10	years of service	\$1,100	86
10 to 15	years of service	\$1,900	53
15 to 20	years of service	\$2,700	43
20 to 25	years of service	\$3,500	26
25 to 30	years of service	\$4,300	11
30+	years of service	\$5,100	2
TOTAL EMPLOYEES			221

The projected annual cost to implement Longevity bonus for all eligible full-time employees is approximately \$542,458. Funding will need to be included in the FY 24 budget.

Performance Merit Pay Plan

Mrs. Cline explained that the FY 2024 proposed budget will include a recommendation to amend the Compensation Plan Policy to redefine the development range.

Current policy defines the development range as the minimum of the pay range to 15% above the minimum. The merit range is defined above the development range through the maximum of the pay grade. Employees whose salary amount is within the development range are eligible for a 5% increase (with satisfactory or better rating on their annual performance evaluation).

Employees whose salary amount exceeds the development range are eligible for an increase in pay up to 3% based on their annual evaluation score.

Employees whose salary is at the maximum of the range become eligible for lump sum merit pay with annual review. The objective of the pay plan is to quickly advance the employee's salary to the market rate (midpoint of the range) to ensure the employee is being compensated at the fair market rate. Ideally, an employee who enters the compensation plan at the entry rate should achieve the market rate within five years. Under the current compensation policy, an employee must work at least seven years to achieve the market rate.

Proposed FY24

- Staff recommends amending the compensation plan to redefine the development range to be a range from the minimum salary amount of the pay grade to midpoint of the range (market rate).
- Employees whose base salary amount is within the development range will be eligible for the 5% increase in pay, while those whose base pay is outside of the development range will continue to be eligible for performance pay increase of up to 3%.
- The proposal will include an updated performance evaluation system for all employees with redefined core competencies and possibly an expanded merit range percentage.

Maintaining the salary ranges to be consistent with the market is imperative. This is accomplished by:

- Regularly conducting job class market analysis, and
- Adjusting the ranges by a percentage to keep pace with market indicators, such as the CPI.
- Council has already been presented with job classification schedule recommendations based on market analysis completed using salary data as of August 2022; however, the January CPI was 6.4%.
- To keep pace, the FY 24 operating budget will include a proposed 3% COLA.

Council Member Dayvault stated that until recently, he was not aware that the City did not offer Longevity pays. He feels Council should go back and address Longevity pay as if it were in place this past November and implement for this fiscal year. Additionally, since we can't go back to July first for salaries adjustments. In other words, make Longevity pay effective now, everyone who has been here all these years will get that money that we planned for and would then get a Longevity pay in November moving forward. One being paid out of this fiscal year and the next one out of next fiscal year.

Mayor Hinnant asked if this would add another \$652,000 to the lump payout that the City would have to make this year. City Manager Legg stated that Council could act upon it tonight and Staff will bring back a budget amendment.

Mayor Hinnant clarified that \$542,00 for adding the Longevity Pay and \$615,000 for the job classification, so essentially \$1,157,000 added to this year's budget.

Mr. Dayvault feels that now is the time to act upon this because the people that have stuck it out all these years. There are 221 people who are eligible, and we are fixing a lot of salaries for

1 incoming people who are coming into the City and starting a career. It will address people that
2 have been here a long time. He feels it is owed to the people who have stuck it out, noting that we
3 have lost good people and just feels it is the right thing to do.

4
5 Council Member Berry asked if Longevity pay continued when an employee retires or does it stop.
6 Mrs. Cline stated that it does stop once you retire; however, retirement is calculated on the
7 Longevity pay.

8
9 Mayor Pro tem Kincaid agrees with Mr. Dayvault. Those employees who have worked with the
10 City a long time, have had opportunities to go elsewhere, but they haven't because they love
11 Kannapolis. They are our number one resource. He feels that needs to be considered strongly and
12 to go ahead and do it.

13
14 Council Member Dixon thanked Mrs. Cline and Staff for the work they have put into these reports.
15 In doing a true salary study, did you look at cities of comparable size as Kannapolis across the
16 state. Mrs. Cline stated they have done that before; however, this study was based on the same
17 agencies as were used in the previous study. With the 2019 study, these agencies were the ones
18 narrowed down to as being mostly in our market group. Mrs. Dixon wondered if we could get a
19 truer picture by looking at cities that are comparable in size to Kannapolis. Mrs. Cline further
20 stated that going forward, will probably include some larger cities.

21
22 Council Member Wilson asked do we know where our employees are going once, they leave here.
23 Mrs. Cline responded as for the most part, they are going to the contiguous cities. Mr. Wilson
24 stated would those not be the ones we want to be most worried about and try to pay something
25 better than them? Mrs. Cline responded that is why they included those cities they felt like were
26 losing employees to. When it comes to department head and managerial positions, we do have to
27 be more like those larger cities, because those are the people we are trying to recruit. There is
28 flexibility within the range that you can hire above the minimum if you need to match a larger city.
29 Mr. Wilson asked if there are cities around us that are smaller and taking our employees. Mrs.
30 Cline responded there is a very small town that is nearby, that is not pay related, but work related.

31
32 Mr. Dayvault stated when he pointed out the construction workers and the building maintenance
33 people, those are not leaving for Concord and China Grove, those are going to the private sector.
34 We may never be able to pay what private sector pays, but we should strive to get close.

35
36 Mr. Smith stated that one thing you must look at the private sector, if you do it for one class of
37 employees, you must do it for all classes of employees. For example, our City Manager serves as
38 the CEO of a 400-person corporation, the private sector is probably \$600,000 plus a year.

39
40 He gave an example that recently Staff put out an advertisement for inhouse supplemental garbage
41 collection and felt like it would be a test of the market to see what we might be able to recruit. One
42 thing they must do a better job is to sell the long-term benefits. He tells people if you are getting
43 into local government because you love what you do, it is not for the pay. You stay in it for the

1 long-term. Most private companies do not have pensions anymore, local governments do.
2 Kannapolis is the only City in North Carolina that offers supplemental retirement allowance for
3 all its employees, if you get 30 years into the system. Across the state it is mandatory for all law
4 enforcement personnel when they get to 25 years, can retire with 25 years of service coupled with
5 an supplement pay on top of their retirement until age 62. Kannapolis offers this for all employees.
6 He feels this is a small benefit but need to continue with all employees. It's hard to sell it to a 21-
7 or 25-year-old, because we've all been there, it how much money we put into our pocket now, that
8 is most important. That is why this adjustment of the grades to 110% gets us to the top of the
9 market and it rewards the loyal long-term employees by bringing back Longevity pay.

10
11 Mayor Hinnant stated there is a motion on the floor to amend the salary position classification
12 schedule (110% Above Market) as presented. He asked if the addition of Item #4 addressing
13 Longevity pay, would change any of these three recommended motions. If there is no impact,
14 Council can go ahead and vote on the motion on the floor.

15
16 Mayor Hinnant restated the motion on the floor as presented by Mayor Pro tem Kincaid to amend
17 the salary position classification schedule (110% Above Market) as presented. Council Member
18 Jackson seconded the motion. The motion was approved by unanimous vote.

19
20 Council Member Dayvault made a motion to approve an implementation of the salary study
21 recommendations as presented to include a "back pay bonus payment retroactive to the first pay
22 in January 2023 (Recommended). Council Member Berry seconded the motion, and it was
23 approved by unanimous vote.

24
25 Council Member Dixon made a motion to approve the budget amendment which increases the
26 revenues received from investment income to fund the retro pay (January-March;\$307,500) and
27 the remainder of FY 23 (April-June; \$307,500) for the salary study implementation efforts. Motion
28 was seconded by Council Member Jackson and approved by unanimous vote.

29
30 City Manager Legg suggested that Council consider a motion to appropriate City Council's
31 contingency in the amount of \$542,458 to immediately fund the Longevity pay.

32
33 Council Member Dayvault made a motion to appropriate City Council's contingency in the amount
34 of \$542,458 to immediately fund the Longevity pay. Motion was seconded by Council Member
35 Kincaid and approved by unanimous vote.

36
37 Council Member Dayvault left the meeting at 8:15 and was not excused. Any votes taken will act
38 as a positive vote for Mr. Dayvault.

39
40 **Memorandum of Understanding related to the establishment of a Downtown Kannapolis**
41 **Ambassador Program (Mike Legg, City Manager) (Copy included as Exhibit G)**

42 City Manager Legg explained that a local resident and recently retired banking professional Eric
43 Dearmon has expressed a desire to serve the City in a volunteer capacity to help enhance the

1 experiences of patrons to the City's revitalized Downtown. Concurrently, the City desires to
2 consider the establishment of a formal Downtown Ambassadors Program for the purpose of
3 providing a wide range of services to visitors of Downtown Kannapolis. This MOU establishes a
4 professional relationship between the City and Mr. Dearmon that is believed by both parties to be
5 mutually beneficial. It is contemplated that this MOU considers services in an exploratory phase
6 to determine if a larger, more permanent program is warranted. More specifically, the objectives
7 of the proposed Program are:

- 8
- 9 a. To ensure visitors to Downtown Kannapolis have an overall positive experience.
- 10 b. Ensuring top-notch hospitality to the public by providing directions,
- 11 recommendations, and other assistance as necessary.
- 12 c. Help visitors navigate downtown Kannapolis, including offering
- 13 advice on parking options and business offerings and services.
- 14 d. Discuss history of downtown Kannapolis including the origins
- 15 and plans for the continued revitalization efforts.
- 16 e. Help visitors with "What to Do" questions or concerns, including
- 17 opportunities in the greater Kannapolis area.
- 18 f. In the event a City-owned vehicle is provided, vehicle transportation
- 19 and safety escorts to and from any location in the downtown area will
- 20 be provided upon request.
- 21 g. Observing and reporting suspicious activity, aggressive panhandling,
- 22 skateboarding, and other inappropriate or prohibited activities to the
- 23 designated City officials, including law enforcement.
- 24 h. Contacting the designated City officials with any cleanliness or
- 25 beautification needs in the downtown area.
- 26

27 The MOU defines several responsibilities and expectations by and between the City and Mr.
28 Dearmon. The agreement can be terminated by either party for any reason at any time. Mr. Legg
29 stated it is expected that this exploratory program will require \$2,000 or less to implement. Existing
30 funds in the FY 23 Budget are available. Should the decision eventually be made to grow the
31 program, these costs will increase - but this is intended to be a relatively low cost-high reward
32 initiative. There may be groups interested in the downtown history or assist visitors with what to
33 do questions.

34
35 Mayor Pro tem Kincaid asked if this would be strictly volunteer or would he be employed by the
36 City. Mr. Legg responded this position would be strictly volunteer and will not be a City employee.
37 There will be some small expenses but will be absorbed.

38
39 Council Member Dixon asked if anyone is interested, how would they apply. Mr. Legg responded
40 this MOU defines several responsibilities and expectations by and between the City and Mr.
41 Dearmon. He suggested to tell people in six months and once this program is up and running, will
42 consider adding volunteers.

1 Council Member Berry asked about the liability in the event he was injured. Mr. Legg stated there
2 is a provision in the MOU that essentially holds the City harmless.

3
4 Council Member Jackson stated it would be a good thing if Mr. Dearmon would report to Council.
5 Mr. Legg stated this is included in the MOU.

6
7 There being no further comments or questions, Council Member Jackson made a motion to
8 authorize the City Manager to execute the Memorandum of Understanding regarding the
9 Downtown Knapolis Ambassador Pilot Program. Motion was seconded by Council Member
10 Wilson and approved by unanimous vote.

11
12 **Downtown Development Project Agreement - Ballpark Concessions Building (Mike Legg,**
13 **City Manager, Walter Safrit, City Attorney) (Copy included as Exhibit H)**

14 City Manager Legg reported that City Staff have been in discussions with Cannon Ballers
15 ownership group Temerity regarding its desire and intention to construct a new concession
16 building and restrooms on the centerfield concourse. This project will serve multiple purposes: 1)
17 to increase food service capacity in the Ballpark which has been one of the few significant
18 operational concerns in the first few seasons of the Ballpark's life, 2) to serve as a private support
19 function for the new Towel City Tavern restaurant to be located in the first floor of the Stadium
20 Lofts mixed use project adjacent to the Ballpark, and 3) to create more convenient restroom access in
21 this part of the Ballpark.

22
23 The proposed public-private partnership for this project provides a 50-50 split between the two
24 parties on the construction of the structure, City responsibility for the restrooms and Temerity
25 responsibility for the upfits and equipment to the concessions building. The agreement provides
26 the procedures for construction of the building.

27
28 Upon completion, the building will be owned by the City and added to the lease agreement for the
29 Ballpark, No additional lease charges will be added.

30
31 Temerity will advance the entire project cost for the building, estimated to be \$615,877. The City
32 will reimburse Temerity for construction costs not to exceed the lesser of (i) fifty percent of such
33 costs; or (ii) \$251,499.00, which includes the costs for the two (2) family restrooms. Additionally,
34 Temerity will be responsible for 100% of the furniture, fixtures, and equipment, estimated to cost
35 \$180,000.

36
37 It is recommended that funding for the City's portion comes from a General Fund balance transfer.
38 This is a separate City Council action.

39
40 Mayor Hinnant opened the public hearing to those in attendance for an opportunity to speak.

41
42 Kyle Lingafelt Of 211 West Avenue, stated he was one of the owners of the Old Armor Beer
43 Company. Mr. Lingafelt stated that this issue has rubbed them wrong. When they first came to

1 Kannapolis, they asked if there were any funding or help for them to start their private business.
2 They were told there were none. Other businesses came down here and asked for the same thing
3 and were told “none”, but you have a private business coming in. It is a hard pill to swallow per
4 say. He was curious as to who thinks this is a good idea. He understands the Cannon Ballers were
5 saying “you have a private business being Towel City Tavern”, but the Cannon Ballers is also a
6 private business. He is a little confused as to \$615,000 are getting two bathrooms and a concession
7 stand, a little over 300sf. How many square feet are we giving Town City Tavern for this outdoor
8 smoke pit? Where is the rest of it going to (2200sf), what are we looking at here. I understand and
9 hope they are going to pay rent on this city property and that does happen, but why can’t they use
10 the building to rent, why can’t they use what has been given to them? We did. They have sunk
11 their life savings and everything into this. We come down here just to have a half a million dollars
12 go to another private business that didn’t take the risk that we did. The first business to open on
13 West Avenue and sacrificed so much. Not a lot of you have a clue as to how much we have
14 sacrificed. I am sorry I don’t mean that in a rude way, at all. Our personal lives have taken a hit.
15 We have spent hundreds and hundreds of thousand dollars. We spent over a hundred thirty-six
16 thousand dollars in advertisement to bring people to downtown Kannapolis, personally, with zero
17 help, zero dollars help. I hope that can change and I hope we can all come together to work together
18 on some of this stuff. We don’t find this right. Do you know how many small businesses downtown
19 did not get help. He is curious now if you are going to give them money. Is the rest of the businesses
20 of Kannapolis, are we going to be able to get money to support our small businesses’ moving
21 forward. I don’t mean to be abrupt; I don’t mean to be this way, I hate being abrasive, but this is a
22 hard pill to swallow when we have sunk everything into our business, just to allow someone else
23 to come in who took no risk after we have approved our concept. I have a lot of things on these
24 notes, I have a lot of thoughts, I am willing to sideline it later and talk. This is not right. I can tell
25 you right now, the rest of the tenants downtown feel the same way. Thank you.

26
27 Donna Taylor of 141 West Avenue owns Eat Cakes Bakery stated she is one of those people how
28 has put in a lot of own money and she feels the same way. They have asked for grants and help.
29 There are other businesses too. (a lot of her discussion was inaudible)

30
31 Ken Lingafelt of 115 West Avenue and he is a hands-on contractor. He is addressing a little
32 different than they are, the 47 tenants called when they heard about it and asked if he would please
33 represent them, but he let them to that. He is addressing a little different, but still to do with the
34 smoke issue. The next new apartments, there is concern about the rising of the pit smoke and going
35 into the buildings. He loves the smell of BBQ and is one of his favorite meals, but 24-7 smell, he
36 might change his mind and switch to fish or something after a while. They are concerned about
37 the impact on the apartments with the continued smoke. If you know much about the Smoke Pit
38 over in Concord, they have a large smoke pit there away from homes, but they have restaurants all
39 over the region. They don’t impact the neighborhood where they are, they cook most of their BBQ
40 at one location and haul to the other locations.

41
42 They had talked to them about coming and occupying the bank building. Their first concern was
43 not that we wanted them him, we couldn’t have a pit downtown. So, they said fine, we cook all

1 the BBQ in Concord and bring it over. So, there is another way to address that even with this BBQ,
2 possibly the smoke pit can be built outside of town and not right where all people live. Just a
3 thought. Love to have the food and would love to put in our other seven restaurants as soon as we
4 get electrical panels. So, it is a positive-negative thing. His positive is that we need the food,
5 negative is that the right place for a smoke pit to effect where we are going to build the other 600
6 apartments. What kind of complaints. He understands what they are saying about funds, that is a
7 discussion everyone needs to talk about. We are at 47 tenants, he knows them all, moved them all
8 in, remodeled all himself and they love being here. We have a great town and have some good
9 things going all. So, we want to keep everybody moving. People ask him all the time, what is the
10 success of Kannapolis, we are all moving together. It is a positive thing but need to work out the
11 negative part. Thank you.

12
13 There being no further speakers, Mayor Hinnant closed the public hearing.

14
15 Mayor Pro tem Kincaid asked if the City could talk to the tenants about their concerns.

16
17 Council Member Wilson made a motion to table this matter indefinitely until they can talk about
18 the needs of all the tenants. (See what is says exactly). Motion was seconded by Mayor Pro tem
19 Kincaid approved by a six to one vote with Mayor Hinnant casting the dissenting vote.

20
21 **Budget Amendment #23-19 Appropriating Fund Balance to fund City's Portion of**
22 **Concession Building Project (Kristin Jones, Assistant to the City Manager) (Copy included**
23 **as Exhibit I)**

24 City Manager Legg noted this is a budget amendment item is tied to the previous discussion
25 relating to a budget amendment related to the construction of a concessions building and
26 restrooms at Atrium Health Ballpark and should be tabled as well.

27
28 Council Member Dixon made a motion to table this item indefinitely. Council Member Berry
29 seconded the motion, and it was approved by unanimous vote.

30
31 **CITY MANAGER REPORT:** None

32
33 **CITY COUNCIL COMMENTS:** None

34
35 **SPEAKERS FROM THE FLOOR:**

36 Steve Patton of Trainworks Global, LLC, 2623 Windswept Cove, York, SC. (Copy included as
37 Exhibit J)

38 Mr. Patton presented Council with Exhibit A Labeled "City of Kannapolis, City Council Business
39 Meeting" "New Village Park Train Project", "Bid #23-08", "Dated March 13, 2023", "Reference
40 Documents", and asked that this document be made a part of the minutes. Mr. Patton noted Council
41 discussed compensation for employees including longevity in the amount of \$542,458. Some of
42 the options his company would offer would provide that funding for those employees. The reason
43 he printed of all this information, he is not sure that all of City Council read all the emails that go

1 back and forth, I'm sure you have a lot of that. It might be easier for you to look at the printed
2 version. Thank you for your time.

3
4 **ADJOURN:**

5 There being no further business brought before Council, Council Member Wilson made a motion
6 to adjourn. Major Pro tem Kincaid seconded the motion, and it was approved by unanimous vote.

7
8 The meeting adjourned at 9:00 PM on Monday, March 13, 2023.
9

10
11
12
13 _____
14 Milton D. Hinnant, Mayor

15
16 _____
17 Bridgette Bell, MMC, NCCMC
City Clerk*



Kannapolis City Council

City Council Agenda Staff Report

April 24, 2023

To: Mayor and City Council
From: Bridgette Bell, City Clerk
Subject: March 13, 2023 Closed Session Minutes

Action Requested by City Council

Required Votes to Pass Required Action

Background

Fiscal Implications

Policy Issues

Legal Issues

Recommendations and Alternate Courses of Action

Attachments

None



Kannapolis City Council

City Council Agenda Staff Report

April 24, 2023

To: Mayor and City Council
From: Richard Smith, Planning Director
Subject: Continuation of case No. CZ-2022-08 - Conditional rezoning request - Trinity Church Road and Stirewalt Rd

Action Requested by City Council

1. Consider a motion to adopt a Statement of Consistency for CZ-2022-08
2. Consider a motion to approve the Resolution to Zone for CZ-2022-08

Required Votes to Pass Required Action

Majority Present at Meeting

Background

City Council conducted a Public Hearing regarding case No. CZ-2022-08 on February 13, 2023. The hearing was closed and City Council continued the case to March 13, 2023. The case was continued at the March 13, 2023 meeting to April 24, 2023.

The applicant, John "Jack" McKinley, is proposing to rezone approximately 35.5 +/- acres of property located at 6205 Stirewalt Road and 5032 Trinity Church Road, further identified as Cabarrus County Parcel Identification Numbers 46939615960000 and 46939663830000 from Agricultural (AG) zoning district to a Residential 4-Conditional Zoning (R4-CZ) district to allow for a 56-lot single-family detached residential development.

As shown on the subdivision plan, full-movement access is being provided on both Stirewalt Road and Trinity Church Road, both of which are NCDOT maintained. Both of these proposed points of access have received conceptual approval by NCDOT and the City. A Traffic Impact Analysis (TIA) is not warranted for the number of daily/hourly trips provided for this number of lots.

As proposed on the subdivision plan, the minimum lot size is 15,000 square feet, with the largest lot being shown as 39,239 square feet. The minimum lot dimensions are shown as 75'X125' for width and depth minimums, but the overall lot area would be required to meet the 15,000 square foot minimum.

Two detention/water quality ponds are shown on the southern property boundary along with areas set aside for landscaped buffering/berms along both road frontages.

Although the applicant intends to connect to City water and sanitary sewer, information has been provided to staff and was also presented at the neighborhood meeting held on November 2, 2022, regarding alternative individual septic systems. The applicant has indicated that they fully intend to utilize City sewer, but given the timing and uncertainty of wastewater allocation and capacity in the short-term, individual septic systems were being proposed as a possible alternative. Additional

concerns brought up at the neighborhood meeting by area residents included the proposed lot size, buffering/screening, well contamination (assuming aforementioned septic alternative) and consistency with the character of surrounding neighborhoods.

Although the applicant is requesting the R4-CZ zoning designation, which allows for a density of up to 4 units per acre, the overall density being requested is 1.56 dwelling units per acre. This density calculation assumes the total acreage divided by the total number of lots and includes common open space, landscaped buffers, and natural areas. Since this request is for conditional rezoning, the requested density of 1.5 units per acre is all that would be permitted if approved. Under the current AG zoning, the maximum density is 1 unit per acre with a 1-acre minimum lot size. All surrounding properties are zoned City of Kannapolis AG or Cabarrus County AO (Agriculture/Open Space).

The subject properties were part of a rezoning petition withdrawn by MI Homes in 2018, which included additional properties along with higher density and smaller lots. The properties were initially zoned AG in 1999 as part of the Coddle Creek Annexation by the City.

The Planning and Zoning Commission denied the rezoning request at their December 13, 2022 meeting. Subsequent appeal was made by the applicant de novo for City Council to make a final decision on the rezoning request.

Fiscal Implications

None

Policy Issues

Section 2.5.A.(2).c of the KDO states that Amending the Zoning Map is a matter committed to the legislative discretion of the Planning and Zoning Commission or of the City Council, as authorized by this section. In determining whether to adopt or deny the proposed amendment, the Planning and Zoning Commission or the City Council, as applicable, may consider, and weigh the relevance of, whether and to what extent the proposed Zoning Map amendment:

1. **Is the proposed rezoning consistent with the Comprehensive Plan and other applicable adopted City plans?** The property is in the "Neighborhood Transition 1" Character Area as designated in the Move Kannapolis Forward 2030 Comprehensive Plan. This Character area's primary use is listed as single-family detached residential with a desired density not to exceed 3 units per acre. The proposed use(s) is consistent with the goals and objectives of the Plan.
2. **Is the proposed rezoning in conflict with any provision of this Ordinance or the City Code of Ordinances?** No. The property is currently vacant.
3. **Does the proposed rezoning correct an error in the existing zoning present at the time it was adopted?** No, the subject property has been zoned AG or equivalent since annexed into the City of Kannapolis in 1999.
4. **Does the proposed rezoning allow uses that are compatible with existing and allowed uses on surrounding land and with the stability and character of any adjacent residential neighborhoods?** Yes, the subject property is located approximately one-half mile west of the intersection of Mooresville Road (NC 3) and Kannapolis Parkway which is anticipated to see more development in the future. The proposed subdivision plan provides for a transition from higher-density development to the east and lower-density development to the west/southwest.
5. **Does the proposed rezoning ensure efficient development within the City, taking into consideration the capacity and safety of the street network, the adequacy of public facilities, the suitability of the land for the uses allowed under the existing zoning, and other relevant considerations?** Yes, there are no anticipated traffic concerns. There are two proposed points of ingress/egress onto two NCDOT roads.
6. **Does the proposed rezoning result in a logical and orderly development pattern, taking into**

consideration the size of the subject lands and the zoning and existing and proposed development on surrounding lands? Yes, the proposed development provides a balance between surrounding low-density single-family residential land uses and the maximum density of 3-units per acre supported in the Comprehensive Plan.

7. **Does the proposed rezoning result in significant adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment?** There are no negative environmental impacts, and the development will be required to conform to all applicable local, state, and federal environmental regulations. The property is located along the fringe of the Protected Watershed Area for the Coddle Creek Reservoir (WS-II BW) which limits the maximum built-upon area to 12% utilizing the low-density option.

Legal Issues

None

Recommendations and Alternate Courses of Action

Staff proposes that City Council take one of the following actions on the requested rezoning:

Approve with conditions and consistency: City Council finds that the proposed R4-CZ zoning district is consistent with the "Neighborhood Transition 1" Character Area as designated in the Move Kannapolis Forward 2030 Comprehensive Plan. [a separate Statement of Consistency is provided as an attachment]

Motion 1- Move to adopt the Statement of Consistency

Motion 2- Move to adopt rezoning of the property to R4-CZ

Deny and not consistent: City Council finds that the proposed zoning district is not consistent with the Comprehensive Plan and does not consider the action to be reasonable and in the public interest. [a separate Statement of Inconsistency is provided as an attachment]

Motion 1- Move to adopt the Statement of Inconsistency

Motion 2- Move to Deny rezoning of the property to R4-CZ

[Note: City Council may choose to take other courses of action in addition to the two noted above, such as *approving this request with conditions and deeming it not consistent with the plan* or *denying this request and deeming it consistent with the plan*. If Council determines to take either of these options, staff will be prepared to guide Council on these actions.]

Attachments

1. Kannapolis Notice of Appeal 12-28-22 Signed
2. CZ App
3. Maps
4. Site Plan
5. Neighborhood Mtg Info
6. Public Notice Ad
7. List of Notified Properties
8. CZ-2022-08 CC Notification Ltr
9. Posted Public Notice Signs
10. CZ-2022-08 CC Statement of Consistency
11. CZ-2022-08 CC Statement of Inconsistency
12. CZ-2022-08 CC Resolution to Zone

NOTICE OF APPEAL

APPLICANT CONTACT:

Applicant &

Property Owner:

John F. McKinley and
LaRue Sims Credle, Trustee and Clifton M. Credle, Jr., Trustees of
The LaRue Sims Credle Revocable Living Trust
c/o Jack McKinley
702 Possum Trot Road
Blacksburg, SC 29702
Phone: 980-622-5560
Email: jackmckinley@gmail.com

PROJECT INFORMATION:

Project Address:

6205 Stirewalt Road and 5032 Trinity Church Road
Kannapolis, NC
56 single family detached homes

Rezoning Case:

#CZ-2022-08

Zoning District:

The request was from a City of Kannapolis Agricultural (AG) Zoning
Designation to a City of Kannapolis Residential 4-Units Per Acre
Conditional Zoning (R4-CA) Zoning Designation.

Parcel PIN:

#46939663830000 and #4693961596000

Size of Property:

Two (2) parcels – TOTAL acreage 35.39+/-

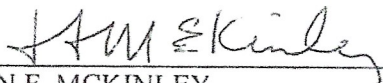
Please take Notice of the Appeal hereby filed by John F. McKinley, individually, and on behalf of LaRue Sims Credle, Trustee and Clifton M. Credle, Jr., Trustees of The LaRue Sims Credle Revocable Living Trust, to the Kannapolis City Council from an adverse decision of the Planning and Zoning Board ("Board") on December 13, 2022.

The Planning and Zoning Board voted to deny that the Project was consistent with the Comprehensive Plan as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. The Board never stated any reasons why the Application and Project were not consistent with the Comprehensive Plan and there are no indications as to the reasoning in the minutes of the hearing as to why the Board voted that the Application was inconsistent with the Comprehensive Plan.

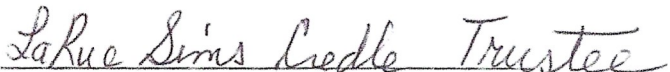
The proposed Resolution from the Planning Staff states that the "proposed uses of a single-family residential development is consistent with the goals and objectives of the Plan. Furthermore, staff finds the request for rezoning reasonable and in the public interest because it will provide development that is suitable for the area. The proposed use is also compatible with the surrounding zoning and is not anticipated to have an adverse effect on the capacity or safety of the surrounding street network, nor anticipated to generate parking problems or any adverse impact on the environment. The Comprehensive Plan also calls for average lot sizes of 15,000 square feet or larger for all new development, with a desired density of up to 3 units per acre."

In addition to other procedural errors in the hearing, there was no motion or vote on the approval or denial of the Board as to the Application to Rezone the Property.

We hereby certify that all of the information presented by us in this Appeal is accurate to the best of our knowledge, information and belief.


JOHN F. MCKINLEY

DATE: 12/28/22


LARUE SIMS CREDLE, TRUSTEE

DATE: 12/28/22


CLIFTON M. CREDLE, JR., TRUSTEE

DATE: 12/28/22



Conditional Zoning Map 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. One or more of the required documents may be waived due to the size of the parcel, the proposed use or the adequacy of existing infrastructure servicing the location. Submit digital and 1 hard copy of applications and accompanying documents to the Planning Department at the address above.

CONDITIONAL REZONING REQUEST

Conditional Rezoning – Request for an amendment to the Kannapolis Zoning Map.

Approval authority – Planning and Zoning Commission.

Requested Rezoning Property Address: 6205 Stirewalt Rd and 5032 Trinity Church Rd

Applicant: John Mckinley

Proposed development: 56 single family detached homes

SUBMITTAL CHECKLIST

- ☒ Pre-Application Meeting – send an email to planreviewappointment@kannapolisnc.gov
- ☐ Neighborhood Meeting (if required)
- ☒ Zoning Map Amendment Checklist and Application – Complete with all required signatures
- ☒ Preliminary Major Site Plan
- ☐ PDF format on disc containing all documents rotated and formatted in sequential order based upon cover page
- ☐ Fee: \$925.00 (\$600 Application Fee, \$300 Legal Notices and notification fee, # of property owners notified [see Fee Schedule])

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 (Table 2.4.F(2) of the Kannapolis Development Ordinance [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 3rd Tuesday at 6:00pm in City Hall Laureate Center. The application and all fees must be paid prior to scheduling the public hearing.

Action by Planning and Zoning Commission: After conducting a public hearing, the Commission may: deny the application; conduct an additional public hearing on the application; or approve the application with conditions.

Scope of Approval: An affirmative vote of three-fourths of the members present and not excused from voting, shall be necessary to approve a conditional rezoning request. The approval of a rezoning does not authorize development activity, but does authorize the application to apply for a final major site plan. Any final decision rendered by the Commission may be appealed within fifteen (15) days to the City Council.

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: John Mckinley

Date: 10/26/22



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

CONDITIONAL ZONING MAP AMENDMENT APPLICATION

Approval authority – Planning and Zoning Commission

Applicant Contact Information

Name: John McKinley

Address: 702 Possum Trot Rd
Blacksburg, Sc 29702

Phone: 980-622-5560

Email: jackmckinley@gmail.com

(Credle's below)
Two property owners (McKinley to left)
Property Owner Contact Information ☒ same as applicant

Name: LaRue Sims Credle Trustee
Clifton M. Credle Jr. Trustee

Address: 671 Lakeside Circle, Apt 822
Pompano Beach, FL 33060

Phone: 757-846-8027

Email: cliffc@icloud.com
ccredle@hotmail.com
cliffc@me.com

Project Information

Project Address: 6205 Stirewalt Rd and 5032 Trinity Church Rd, Kannapolis, NC 28081

Parcel: 46939663830000 & 4693961596000 # of parcels: 2 Approx. size of parcels: 35.59±
(attach separate list if necessary)

Current Zoning Designation: AG Requested Zoning Designation: R4 CZ

Reason for map amendment: Develop 56 single family detached homes

Condition(s) proposed by the applicant (attach separate sheet if necessary):

By signing below, it is understood and acknowledged that if the property is conditionally rezoned as requested, the property involved in this request will be perpetually bound to the use(s) authorized and subject to such condition(s) as imposed, unless subsequently changed or amended as provided for in the Zoning Ordinance.

Applicant Signature: John McKinley

Property Owner Signature: LaRue Credle
Cliff Credle

10/26/22

10/26/22 Date

10/26/22 Date

For Staff Use Only:

Filing Fee: _____

Receipt #: _____

Case #: _____

Date Received: _____

I authorize John Mckinley, to request a zone change, special exception certificate of approval, and any other permits for the development of my property. PIN: 469339615960000

Credle LaRue Sims 10/24/22
Owner Trustee Date

Credle Clifton M Jr. Trustee
Owner Date 10/26/22

Credle La Rue Sims Trustee
Credle Clifton M Jr Trustee
671 Lakeside Cir, Apt 822
Pompano Beach, FL 33060

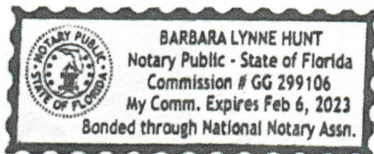
Credle LaRue Sims + Credle Clifton JR personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness by my hand and official seal this day of October 26, 2022.

My Commission expires Feb 6, 2023

Barbara Lynne Hunt

Notary Public

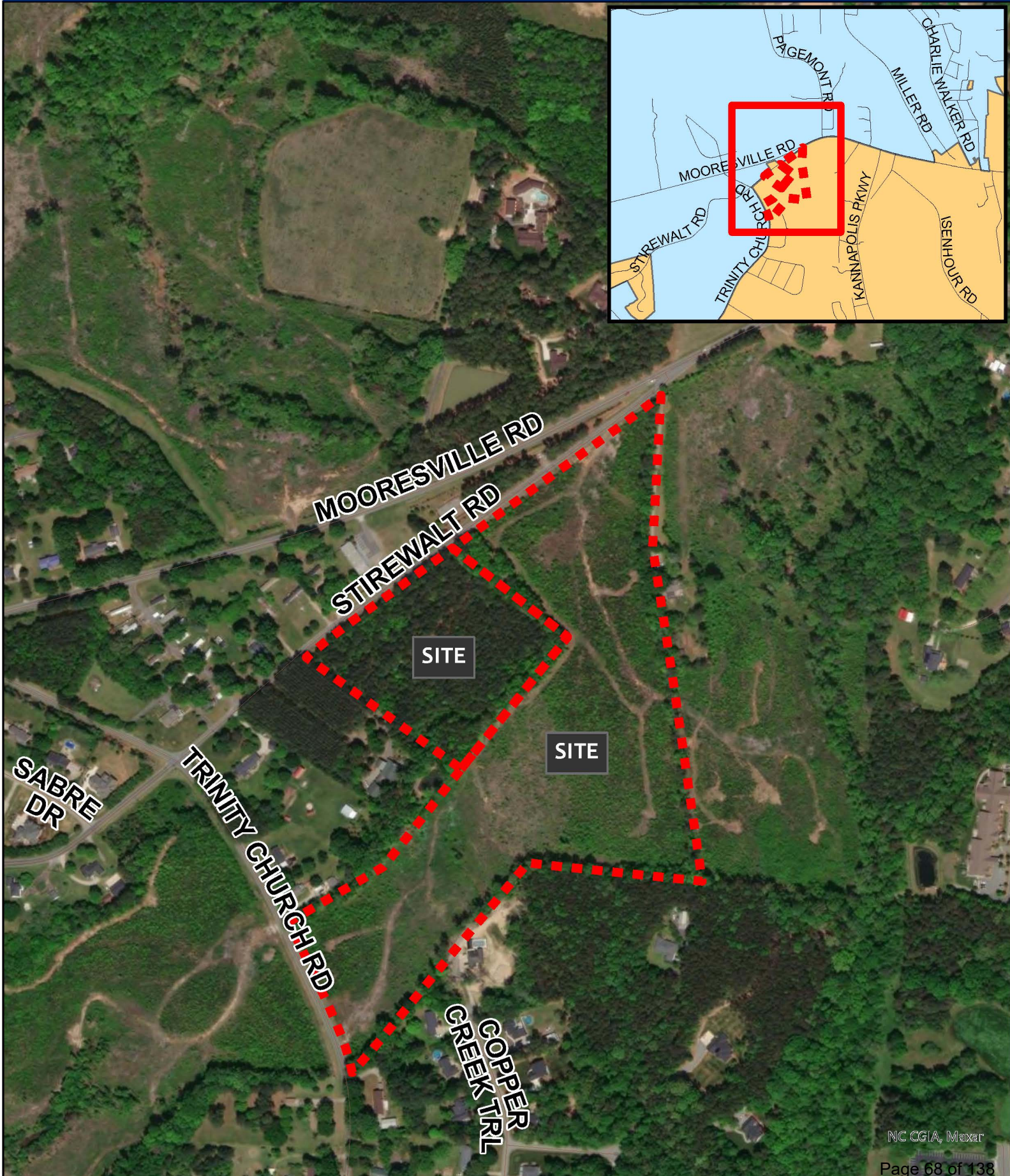


Vicinity Map

Case Number: CZ-2022-08

Applicant: John McKinley

6205 Stirewalt Rd and 5032 Trinity Church Rd



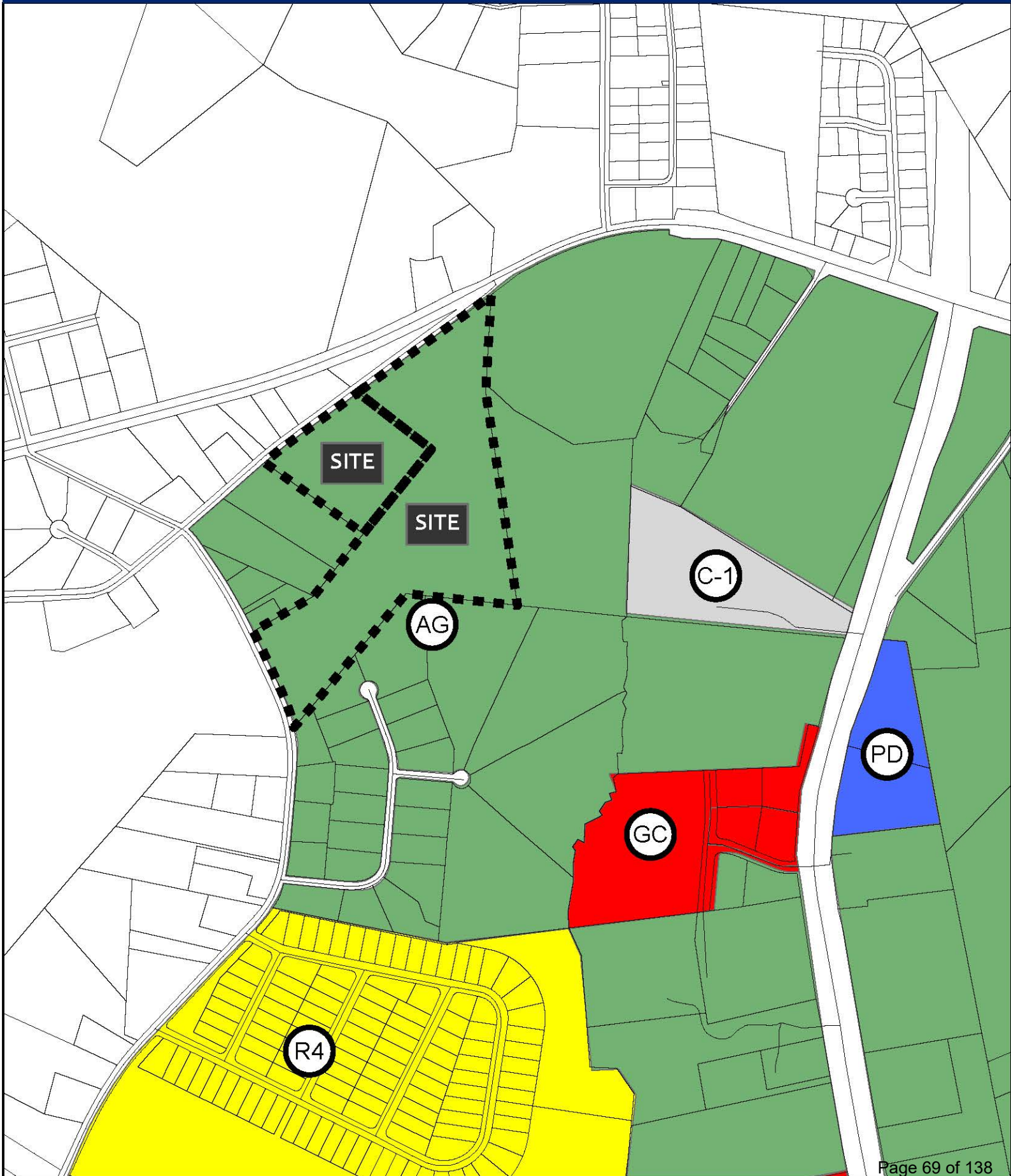


Kannapolis Current Zoning

Case Number: CZ-2022-08

Applicant: John McKinley

6205 Stirewalt Rd and 5032 Trinity Church Rd





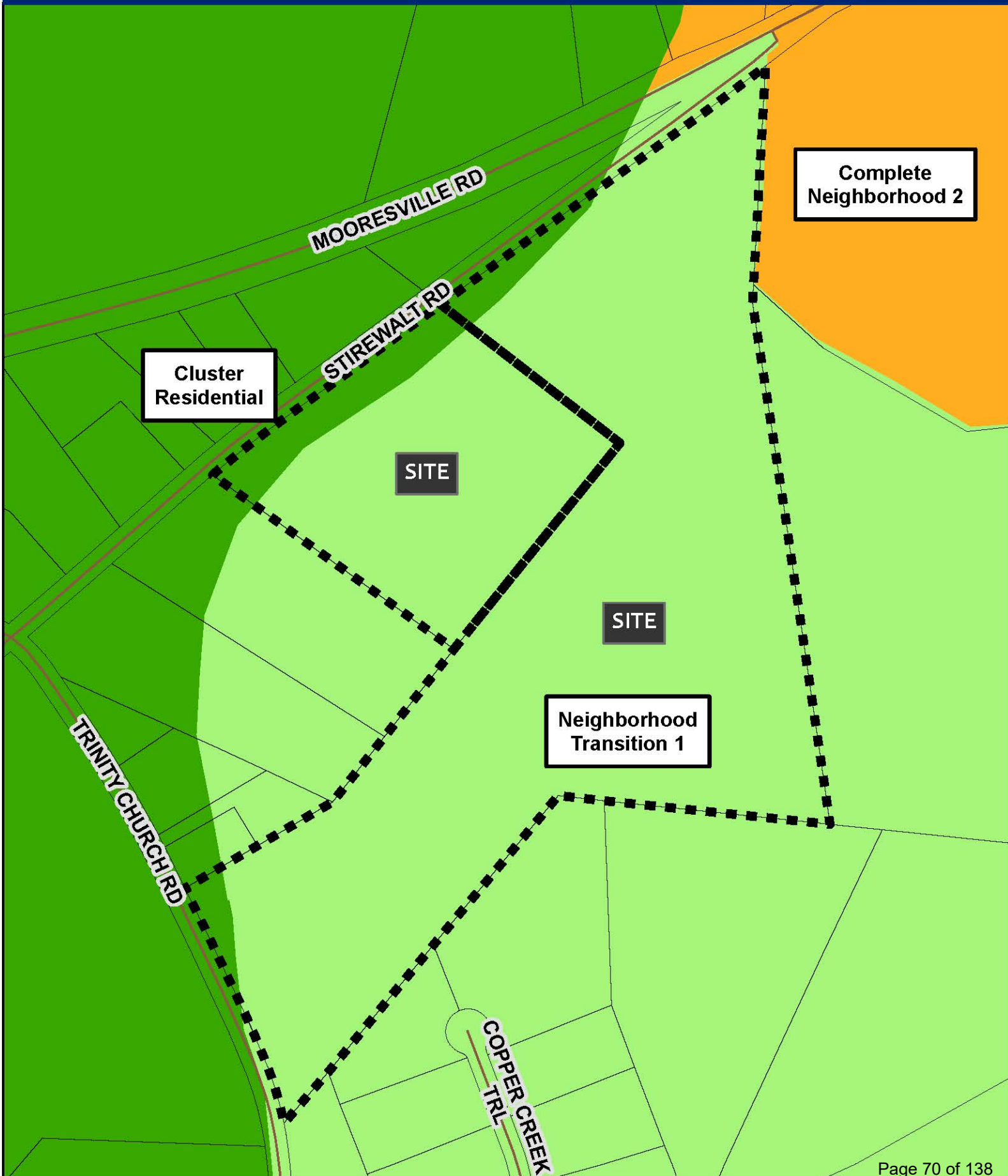
Kannapolis 2030 Future Land Use Map



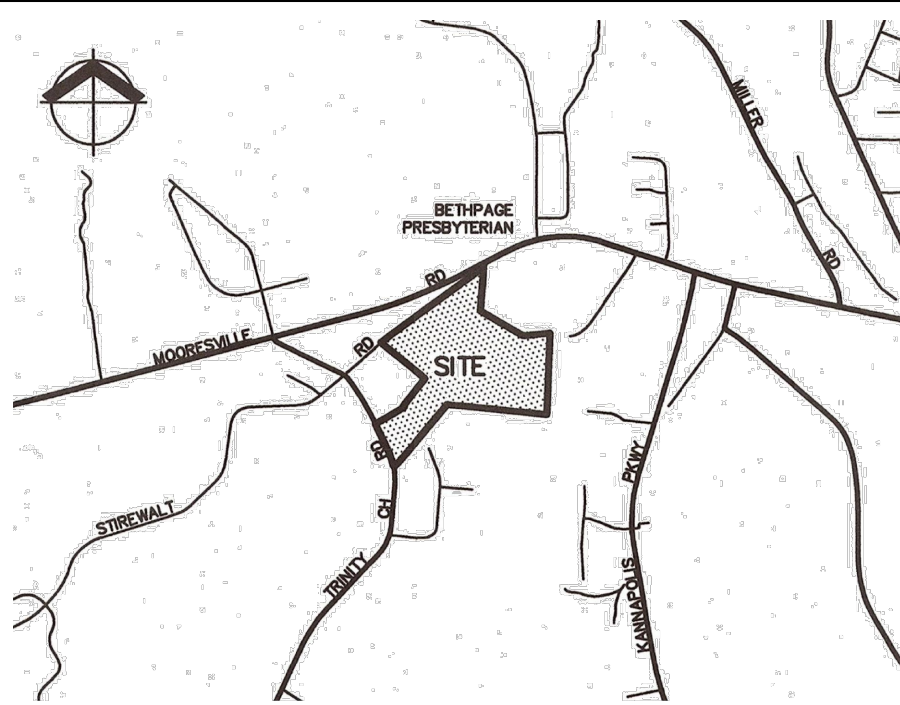
Case Number: CZ-2022-08

Applicant: John McKinley

6205 Stirewalt Rd and 5032 Trinity Church Rd



Plot Stamp: 10/26/2022 9:20:57 AM - F. Cantrell
File: E:\POB Engineering Projects\Mckinley Property\Trinity Church\Civil\DWG\01_Base\Sketch Plan\TRINITY CHURCH R4.dwg, Tab: C-100 SITE PLAN

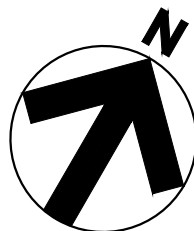
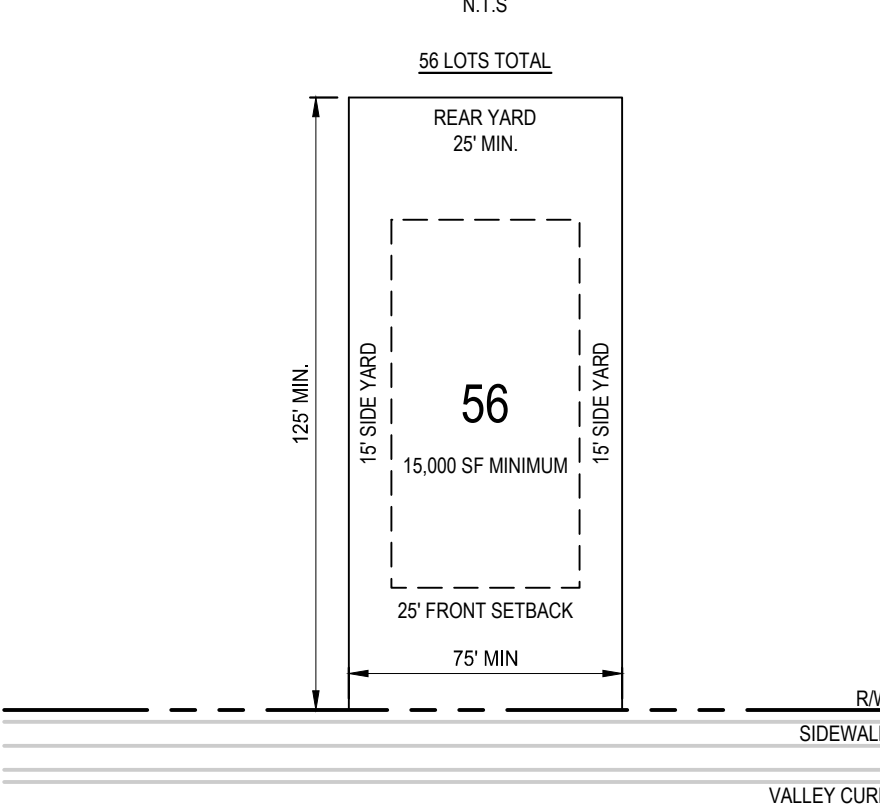


VICINITY MAP
NO SCALE

DEVELOPMENT DATA
LANDS OF MCKINLEY and CREDE

OWNER:	
DEVELOPER INFO:	
CONTACT:	
EMAIL:	
SITE ADDRESS:	6205 STIRWALT RD, and 5032 TRINITY CHURH ROAD, KANNAPOLIS, NC 28081
GROSS SITE AREA:	35.59 ± AC.
P.I.D. No.:	04-049-0001.20, 04-001-0058.00
DEED BOOK / PAGE	-
EXISTING ZONING:	AG
PROPOSED ZONING:	R4 C2 KANNAPOLIS ZONING DISTRICT
EXISTING USE:	MOSTLY OPEN LAND
PROPOSED USE:	SINGLE FAMILY DETACHED HOMES
MAXIMUM # OF LOTS:	3 UNITS PER ACRE
PROPOSED # OF LOTS:	56±
PROPOSED DENSITY:	1.57 DUA
MINIMUM LOT SIZE:	15,000 SF
BUILDING SETBACKS REQUIRED	
FRONT:	25'
SIDE:	15'
REAR:	25'
BUILDING HEIGHT:	35'
PROPOSED STREETS:	KANNAPOLIS RESIDENTIAL 60' R/W

PROPOSED RM-1 ZONING DISTRICT
MINIMUM LOT DIMENSIONS



1 INCH = 100 FEET



PRELIMINARY SITE PLAN
TRINITY CHURCH
MCKINLEY - CREDE
KANNAPOLIS, NORTH CAROLINA

DATE	DESCRIPTION	BY

DRAWN	FC
DESIGNED	FC
CHECKED	DC
PROJECT #	220221

SHEET NUMBER

C-100

POB Engineering
Charlotte, NC 28278
704-564-3824
Frank.Cantrell@pobengineering.com

NORTH CAROLINA COL
P-1888

SEAL
039811
ENGINEER
FRANK L. CANTRELL

October 26, 2022

October 20, 2022

Dear Landowners,

Jack McKinley the landowner has made a zone change application to the City of Kannapolis to land adjacent to your property. This property is located just Southeast north of the intersection of Trinity Church Road and Stirewalt Road, parcel identification numbers 46939663830000, and 46933961596000, 6205 Stirewalt Road and 5032 Trinity Church Road, Kannapolis, NC. This property is currently zoned as AG. Mr. Mckinley is proposing to rezone this parcel to R4 Residential District Conditional Zoning.

This development is 35.59 ± acres and will provide a single-family home community.

We invite you to join us on November 2, 2022, from 6:30 pm to 7:30 pm at the Bethpage Presbyterian Church at 6020 Mooresville Rd. Kannapolis, NC 28081 to learn about our proposed development and present any questions you may have.

City of Kannapolis Planning Department staff may also be present for this meeting. We look forward to meeting with you.



Frank Cantrell
POB Engineering, PLLC



TRINITY CHURCH NEIGHBORHOOD MEETING REPORT

Petitioner: John (Jack) McKinley

Property: ± 35.59 acres located off Trinity Church and Stirewalt Road

This Neighborhood Meeting Report is being shared with the City of Kannapolis Planning Department.

PURPOSE OF THE NEIGHBORHOOD MEETING:

To allow the petitioner to share his plan to rezone this property from AG to R4 Residential District Conditional Zoning. And to give the neighborhood the opportunity to voice their opinions and thoughts about the rezoning request.

PERSONS AND ORGANIZATIONS CONTACTED WITH DATES AND EXPLANATIONS OF HOW CONTACTED:

The required Neighborhood Meeting was in person on Wednesday, November 2, 2022. POB Engineering mailed a written notice of the date, time, and details of the Neighborhood Meeting to the adjacent owners, including owners within 200 feet of this property as required by the Ordinance.

DATE, TIME, AND PLACE OF MEETING:

The Neighborhood Meeting required by the Ordinance was in-person on Wednesday, November 2, 2022, from 6:30 PM to 7:30 PM. The meeting was held at Bethpage Presbyterian Church, 6020 Mooresville Road, Kannapolis, North Carolina.

PERSONS IN ATTENDANCE AT MEETING:

POB Engineering documented the list of registered attendees from the Neighborhood Meeting by sign-in sheets. The Petitioner's representatives at the required Neighborhood Meeting were Jack Mckinley petitioner, Ann Pilkington attorney, Michael Berkowitz land appraiser, and Frank Cantrell with POB Engineering. City of Kannapolis representatives present was Richard Smith Director of Planning, Boyd Stanley Assistant Planning Director, and Rayvon Walker Planner.

SUMMARY OF ISSUES DISCUSSED AT MEETING:

I. Overview of Petitioner's Presentation.

Introduction and Overview of Development Plan.

Frank Cantrell welcomed everyone, and introductions were made around the conference table. After briefly introducing the project, he explained why we were having the neighborhood meeting.

Jack Mckinley gave a brief history of himself and his ties to the community and his intent to develop a quality residential community on this site.

Ann Pilkington introduced herself and Michael Berkowitz and then opened up the floor to questions.

II. Summary of Questions/Comments and Responses:

The following summary is in question (Q) answer (A) format

Q: The density of this development was questioned

A: This development is proposing a density of 1.56 dwelling units per acre. It was pointed out that this proposal is almost identical to Trinity Crossing. Kannapolis Planning staff acknowledged that less than 2 units per acre were not viewed as high density.

Several questions were asked about the Sanitary Sewer Service

Q: There was a concern about how sanitary sewer service would be provided.

A: The intent is to use public water and sewer service. It was pointed out that currently The City of Kannapolis does not have available allocation to provide sewer service and may not have any until 2024. It was explained that if needed the developer would explore using individual septic systems for each lot.

Q: Won't the septic systems contaminate our well water?

A: It was pointed out that they were also using a septic system and the newer systems if installed would meet all local and state standards.

Q: Will the homeowner association be responsible to maintain these new septic systems?

A: Each homeowner would be responsible to own and maintain their system.

Q: Will the septic system be for the entire subdivision?

A: No, each home will have its own septic system.

Q: Will the soils support septic systems and have you tested the soils?

A: Soils have not been tested at this stage of development but will be required as part of the approval process to allow or not allow the use of individual lot septic systems.

Q: It was asked if larger lots could be placed around the perimeter.

A: Because of the topography and the lot size provided it will not be possible to provide larger lots around the perimeter. Even though buffering is not required the development team offered to work with adjacent owners to provide buffering.

Q: Will the stormwater ponds become mosquito lagoons?

A: The stormwater pond shown will most likely be a sand filter basin and is designed to not have any standing water.

Q: Can the ponds be located somewhere else?

A: We can shift them around a little, but they are shown at the low point of the property and would have to remain at the locations shown

Q: There were a couple of questions about what traffic improvements the development team would provide primarily along Trinity Church Road.

A: We will meet with NCDOT and Kannapolis to determine what improvements will be required for the development of this project.

Q: What is the front yard setback, will there be enough room to park in the driveway without blocking the sidewalk, so children don't have to play in the street?

A: Homes will have a 25' setback from the road right of way and plenty of space for a pickup without overhang onto the sidewalk, the total distance from the road edge of pavement to the front of the home is approximately 40'.

Q: Will road improvements take place before new homes are started?

A: Road improvements if required will be delayed if possible so that construction traffic will not cause potential damage to new pavement.

Q: Why are roads stubbed out to adjacent parcels?

A: They are to provide connectivity to future neighborhoods it is also a planning requirement. In some cases, if street stubs are not provided the adjacent parcel would be landlocked.

Q: What type of construction materials will be used; we do not want cheap cookie-cutter type homes built.

A: We will work with the Kannapolis planning department to determine the minimum acceptable materials to use and those will be made part of the condition zoning.

Q: Once this zoning is approved will or can the plan change to something else?

A: This will be a conditional rezoning, if the plan changes from this use or what you see presented it will have to start over with a new approval and would be presented to the neighborhood again.

RESULTS OF THE MEETING:

Neighborhood meeting attendees stated their concerns and were vocal about a past development they were not happy with. I feel questions were answered to the satisfaction of the questioners and there were not any unresolved questions at the meeting that needed follow-up. Frank Cantrell did ask for someone in the adjacent communities to put together a list of items that they would like to see happen with the development of this new community and to email it to him.

Sign-in sheet for the attendees is attached to this meeting report.

cc: Boyd Stanley, Assistant Planning Director
Jack McKinley, Petitioner
Frank Cantrell, POB Engineering

**NEIGHBORHOOD MEETING
FOR THE
Credle/McKinley Property Rezoning
Wednesday, November 1, 2022**

Name	Address	Phone Number	Email
Frank Cantrell	POB Engineering	frank.cantrell@pobengineering.com	
Laura + Gray Johnson	6947 Drakestone Rd	704 785-7158	grayjohns49@aol.com
Bob + Kay Doty	6325 Stinewalt RD Kannapolis NC 28081	704-934-2640	BobDoty
Donna + Mike Cox	4926 Trinity Church Rd Kannapolis NC 28081	704-934-2640	donnawcox@yahoo.com rsmusth@kannapolisnc.gov
Richard Smith	Citrot Kannapolis	704 920 4325	
Cathy + Steve Dierdt	4870 Copper Creek Trail, Kannapolis NC	704 938 8355	CathyDierdtADK@gmail.com
Joe + Kim Hall	4918 Copper Creek Trail		
Tim Allen	4942 Trinity Church Rd Kannapolis NC	704 467-1935	
Keistina Salas	6413 Stinewalt Rd Kannapolis NC 28081	910 315 4557	
Kevin Satrit	6413 Stinewalt Rd Kannapolis NC	704-308 6742	
JEFF ASHBROUGH	4949 Copper Creek Trail Kannapolis NC	704 975 0471	jashbaugh@benesch.com
Josh Poe	4929 copper creek trail Kannapolis NC	980 939 3414	JPoe71089@yahoo.com
Derek Moore	6121 Chisholm Trail Kannapolis NC	919-360-5406	dhmoore44@gmail.com
Catherine Page	3025 copper creek Tr Kannapolis NC	704-791-5345	cpagel64@gmail.com
DANIEL DUNN	6008 STINEWALT RD.	704-763-7630	DANIELDUNN@GMAIL.COM
Mickey + Lindsay Kamy	3339 Trinity Church Rd.	704-280-2354	civarrackham18@gmail.com
SAM + LINDA MOORE	6121 CHISHOLM TRAIL	704.933.8318	SMOORE1928@HOTMAIL.COM

**NEIGHBORHOOD MEETING
FOR THE
Credle/McKinley Property Rezoning
Wednesday, November 1, 2022**

[illegible]

Head count 45
On the roster 29



PO Box 27283
Richmond, VA 23261-7283

Order Confirmation

Order# 0000822413

Client: CITY OF KANNAPOLIS
Phone: 7049204300

Payor : CITY OF KANNAPOLIS
Phone: 7049204300

Account: 3143368
Address: BRIDGETTE BELL
KANNAPOLIS NC 28081

Account: 3143368
Address: BRIDGETTE BELL
KANNAPOLIS NC 28081

Sales Rep **Acct Rep** **Ordered By**
aboarj aboan Pam

Fax: 7049337463
Email: ap@kannapolisnc.gov

Total Amount \$487.62
Payment Amount \$487.62

Amount Due \$0.00

Tax Amount: 0.00

Payment Meth: Credit - Debit Card

Tear Sheets **Proofs** **Affidavits** **PO Number:**
0 0 1

Ad Number **Ad Type** **Ad Size** **Color**
0000822413-01 CLS Liner 2 X 37 li \$0.00

Production Method
AdBooker (liner)

Production Notes

Product and Zone **Placement** **Position** **# Inserts**
CON Independent Trib C-Announcements General-Spec Notice 2

Run Schedule Invoice Text: NOTICE OF PUBLIC HEARING Kannapolis City Council

Run Dates 2/ 3/2023, 2/10/2023

Product and Zone **Placement** **Position** **# Inserts**
NCC Online C-Announcements General-Spec Notice 8

Run Schedule Invoice Text: NOTICE OF PUBLIC HEARING Kannapolis City Council

Run Dates 2/ 3/2023, 2/ 4/2023, 2/ 5/2023, 2/ 6/2023, 2/ 7/2023, 2/ 8/2023, 2/ 9/2023, 2/10/2023

TagLine: NOTICEOFPUBLICHEARINGKANNAPOLISCITYCOUNCILMEETING401LAUREATEWAYKANNAPOLISNCM
ONDAYFEBRUARY132023AT630PMCONDITIONALZONINGMAPAMEND



NOTICE OF PUBLIC HEARING
Kannapolis City Council Meeting
401 Laureate Way, Kannapolis, NC

Monday February 13, 2023 at 6:30 pm

Conditional Zoning Map Amendment - CZ-2022-08 - The Kannapolis City Council will hold a public hearing to consider a request to rezone properties located at 6205 Stirewalt Road and 5032 Trinity Church Road. All interested parties are invited to attend. The request is to rezone from Agricultural (AG) zoning district to R-4 Residential-Conditional Zoning (R4-CZ) to allow for a 56-lot single-family residential development. The subject properties are approximately 35.59 +/- combined acres and further identified as Cabarrus County Parcel Identification Numbers 46939615960000 and 46939663830000.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City of Kannapolis, should contact the office of Tina H. Cline, Human Resource Director, by phone at 704-920-4302 or by email at tccline@kannapolisnc.gov as soon as possible but no later than 48 hours before the scheduled event.

Publish: February 3, 10, 2023.

AcctName1	MailAddr1	MailCity	MailState	MailZipCod
ANDREW & SAMANTHA RIDDLE	6088 MOORESVILLE RD	KANNAPOLIS	NC	28081
BETHPAGE PRESBYTERIAN CHURCH	6020 MOORESVILLE RD	KANNAPOLIS	NC	28081
DANIEL & KYLE DUNI	6208 STIREWALT RD	KANNAPOLIS	NC	28081
ERNEST & BARBARA BROCK	4937 TRINITY CHURCH RD	KANNAPOLIS	NC	28081
FREDERIC & KATHERINE ROBERTS	6045 STIREWALT RD	KANNAPOLIS	NC	28081
GARY HAMBLIN ESTATE	PO BOX 1262	KANNAPOLIS	NC	28082
GLENN LAMAR BENFIELD TRUSTEE				
DEBRA FABER BENFIELD TRUSTEE	101 ROLLING VIEW DR	NEW LONDON	NC	28127
JAMES & MEREDITH LASSITER	6111 CHISHOLM TRL	KANNAPOLIS	NC	28081
JAMES R JR DOTY & SANDRA CARTER	6325 STIREWALT ROAD	KANNAPOLIS	NC	28081
JOHN & MEENA SMITH TRUSTEE	6292 CHAMAR CIR	KANNAPOLIS	NC	28081
JOHN MCKINLEY	702 POSSUM TROT RD	BLACKSBURG	SC	29702
JOHNNIE HARDEMAN	524 ANNEX ST	KANNAPOLIS	NC	28083
LA RUE SIMS CREDLE TRUSTEE				
CLIFTON M JR CREDLE TRUSTEE	671 LAKESIDE CIR APT 822	POMPANO BEACH	FL	33060
PUBLIC SERVICE CO OF N C INC				
ATTN: ELLEN DIGH	PO BOX 1398	GASTONIA	NC	28053
PURA VIDA INTERNATIONAL LLC	6814 HIGHGROVE PL	CONCORD	NC	28027
ROBERT & BETH ROCHEVOT (LF EST)	5015 COPPER CREEK TRL	KANNAPOLIS	NC	28081
ROBERT & BRIDGET ROSSER	6100 MOORESVILLE RD	KANNAPOLIS	NC	28081
SAMUEL & LINDA MOORE	6121 CHISHOLM TRL	KANNAPOLIS	NC	28081
TIMOTHY ALLEN	6212 MOUNTAIN VINE AVE	KANNAPOLIS	NC	28081
TONY & KIM RIDDLE	6070 MOORESVILLE RD	KANNAPOLIS	NC	28081
WILLIAM & CATHERINE PAGE	5028 COPPER CREEK TRL	KANNAPOLIS	NC	28081



KANNAPOLIS

Planning

February 2, 2023

Dear Property Owner:

Please be advised that the Kannapolis City Council will conduct a Public Hearing on Monday February 13, 2023 at 6:30 PM, for the following case:

CZ-2022-08 – Conditional Zoning Map Amendment – 6205 Stirewalt Road and 5032 Trinity Church Road

The purpose of the Public Hearing is to consider a request to rezone properties located at 6205 Stirewalt Road and 5032 Trinity Church Road from City of Kannapolis Agricultural (AG) zoning district to City of Kannapolis Residential 4-Conditional Zoning (R4-CZ) to allow for a 56-unit single-family residential development. The subject properties are approximately 35.59 +/- combined acres and further identified as Cabarrus County Parcel Identification Numbers 46939615960000 and 46939663830000 (see reverse side of this letter for a map showing the location of this property).

As a nearby property owner, you are being notified of this public hearing in accordance with the requirements of the Kannapolis Development Ordinance. You are invited to attend the public hearing and present testimony, if you desire, to City Council.

If you have any questions about the public hearing or request, please do not hesitate to call the Planning Department at 704.920.4325 or rsmith@kannapolisnc.gov.

Sincerely,



Richard Smith
Planning Director

Enclosure

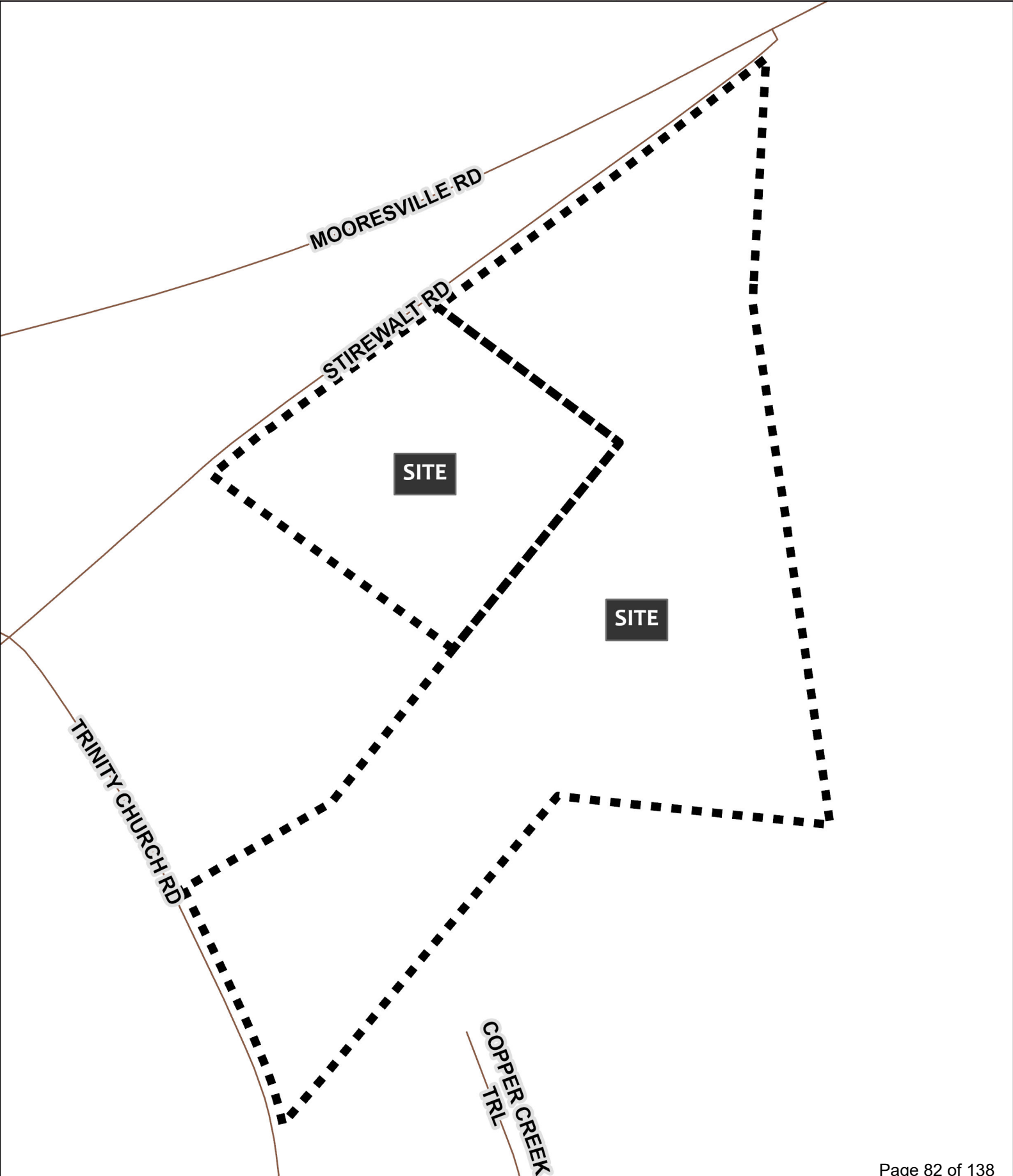
Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City of Kannapolis, should contact the office of Tina H. Cline, Human Resource Director, by phone at 704-920-4302 or by email at tccline@kannapolisnc.gov as soon as possible but no later than 48 hours before the scheduled event.



Conditional Rezoning



Case Number: CZ-2022-08
Applicant: John Mckinley
6205 Stirewatt Rd and 5032 Trinity Church Rd



KANNAPOLIS
CITY COUNCIL



MEETING
PUBLIC HEARING
INFORMATION
CALL 704-920-4350
CASE # CZ-2022-08



CITY COUNCIL

MEETING

**PUBLIC HEARING
INFORMATION**

CALL 704-920-4350

CASE # CZ-2022-08



RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY WITH REGARD TO CASE #CZ-2022-08

WHEREAS, Sections 160D-604 and 160D-605 of the North Carolina General Statutes specify that when adopting or rejecting any zoning amendment, the governing board shall also approve a statement describing whether its action is consistent with an adopted comprehensive plan and any other officially adopted plan that is applicable and explain why the action taken is reasonable and in the public interest; and

WHEREAS, Section 2.3.B(1).a. of the Kannapolis Development Ordinance delegates final authority to the Planning and Zoning Commission on zoning map amendments subject to an affirmative vote of three-fourths of the Commission members present and not excused from voting, or if there is no appeal of the decision; and

WHEREAS, the Planning and Zoning Commission conducted a Public Hearing on December 13, 2022 and denied the request to rezone; and

WHEREAS, since denial by the Planning and Zoning Commission and subsequent appeal was made de novo, City Council has the authority to make a final decision on the requested rezoning; and

WHEREAS, on February 13, 2023 the City Council conducted a public hearing to consider a request to rezone property located at 6205 Stirewalt Road and 5032 Trinity Church Road (Cabarrus County Parcel Identification Number 46939615960000 and 46939663830000) owned by Clifton M Jr & La Rue Sims Credle Trustees and John F. McKinley (respectively) , from Agricultural (AG) Zoning Designation to Residential 4-Conditional Zoning (R4-CZ) Zoning Designation.

NOW, THEREFORE BE IT RESOLVED *that the City Council finds this rezoning consistent with the goals and policies of the Move Kannapolis Forward 2030 Comprehensive Plan (2030 Plan), adopted by City Council, which designates this property as being located in the “Neighborhood Transition 1” Character Area as designated in the Move Forward 2030 Comprehensive Plan. The Neighborhood Transition 1 Character Area includes areas that have been developed over time into low-density residential neighborhoods. Existing neighborhoods will maintain their character, although there are opportunities to enhance these places with additional connectivity, bicycle and pedestrian amenities, parks open space, and sidewalks. New master planned communities in this area will be built according to the traditional neighborhood design principles and conserving connected open space. New developments will provide appropriate transitions to existing adjacent developments and homes. Transitions between existing and new developments can incorporate visual screenings through natural buffers and larger sized lots along the boundary of developments and major roadways. The proposed use(s) of a single-family residential development is consistent with the goals and objectives of the Plan. Furthermore, Council finds the request for rezoning reasonable and in the public interest because it will provide development that is suitable for the area. The proposed use is*

also compatible with the surrounding zoning and is not anticipated to have an adverse effect on the capacity or safety of the surrounding street network, nor anticipated to generate parking problems or any adverse impact on the environment. The Comprehensive Plan also calls for average lot sizes of 15,000 square feet or larger for all new development, with a desired density of up to 3 units per acre.

Adopted this the 24th day of April 2023:

Milton D. Hinnant, Mayor, City of Kannapolis

Attest:

Bridgette Bell, MMC, NCCMC
City Clerk



**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY
WITH REGARD TO CASE #CZ-2022-08**

WHEREAS, Sections 160D-604 and 160D-605 of the North Carolina General Statutes specify that when adopting or rejecting any zoning amendment, the governing board shall also approve a statement describing whether its action is consistent with an adopted comprehensive plan and any other officially adopted plan that is applicable and explain why the action taken is reasonable and in the public interest; and

WHEREAS, Section 2.3.B(1).a. of the Kannapolis Development Ordinance delegates final authority to the Planning and Zoning Commission on zoning map amendments subject to an affirmative vote of three-fourths of the Commission members present and not excused from voting, or if there is no appeal of the decision; and

WHEREAS, the Planning and Zoning Commission conducted a Public Hearing on December 13, 2022 and denied the request to rezone; and

WHEREAS, since denial by the Planning and Zoning Commission and subsequent appeal was made de novo, City Council has the authority to make a final decision on the requested rezoning; and

WHEREAS, on February 13, 2023 the City Council conducted a public hearing to consider a request to rezone property located at 6205 Stirewalt Road and 5032 Trinity Church Road (Cabarrus County Parcel Identification Number 46939615960000 and 46939663830000) owned by Clifton M Jr & La Rue Sims Credle Trustees and John F. McKinley (respectively) , from Agricultural (AG) Zoning Designation to Residential 4-Conditional Zoning (R4-CZ) Zoning Designation.

NOW, THEREFORE BE IT RESOLVED *that the City Council finds this rezoning inconsistent with the goals and policies of the Move Kannapolis Forward 2030 Comprehensive Plan (2030 Plan), adopted by City Council, because of the overall project density and is unreasonable and not in the public interest because the project does not provide appropriate transition to existing adjacent developments and homes.*

Adopted this the 24th day of April 2023:

Milton D. Hinnant, Mayor
City of Kannapolis

Attest:

Bridgette Bell, MMC, NCCMC
City Clerk



RESOLUTION TO ZONE

Case #CZ-2022-08

(6205 Stirewalt Road and 5032 Trinity Church Road)

From City of Kannapolis Agricultural (AG) Zoning Designation to City of Kannapolis Residential 4-Conditional Zoning (R4-CZ) Zoning Designation

WHEREAS, Section 2.3.B.(1).a of the Kannapolis Development Ordinance (KDO) specifically delegates authority to the Planning and Zoning Commission to take final action on a rezoning application provided, if the application is approved by less than a three quarters majority of voting members or denied, or if the Planning and Zoning Commission's decision is appealed, the City Council shall make the final decision on the application; and

WHEREAS, the Planning and Zoning Commission conducted a public hearing on December 13, 2022 and denied the request to rezone; and

WHEREAS, the matter was appealed de novo to City Council for consideration and as a result City Council has the authority to make a final decision on the requested rezoning;

WHEREAS, the request was to rezone property located at 6205 Stirewalt Road and 5032 Trinity Church Road (Cabarrus County Parcel Identification Number 46939615960000 and 46939663830000) owned by Clifton M Jr & La Rue Sims Credle Trustees and John F. McKinley (respectively), from a City of Kannapolis Agricultural (AG) Zoning Designation to a City of Kannapolis Residential 4-Conditional Zoning (R4-CZ) Zoning Designation; and

WHEREAS, the City Council has approved the request for rezoning and found it to be consistent with the City of Kannapolis *Move Kannapolis Forward, 2030 Comprehensive Plan*, reasonable and in the public interest; and

WHEREAS, per Section 2.5.A.(2).c of the Kannapolis Development Ordinance, the City Council makes the following findings in support of and in analysis of the rezoning:

1. Is the proposed rezoning consistent with the Comprehensive Plan and other applicable adopted City plans?

The property is in the "Neighborhood Transition 1" Character Area as designated in the *Move Kannapolis Forward 2030 Comprehensive Plan*. This Character area's primary use is listed as single-family detached residential with a desired density not to exceed 3 units per acre. The proposed use(s) is consistent with the goals and objectives of the Plan.

2. Is the proposed rezoning in conflict with any provision of this Ordinance or the City Code of Ordinances?

No. The property is currently vacant.

3. Does the proposed rezoning correct an error in the existing zoning present at the time it was adopted?

No, the subject property has been zoned AG or equivalent since annexed into the City of Kannapolis in 1999.

4. Does the proposed rezoning allow uses that are compatible with existing and allowed uses on surrounding land and with the stability and character of any adjacent residential neighborhoods?

Yes, the subject property is located approximately one-half mile west of the intersection of Mooresville Road (NC 3) and Kannapolis Parkway which is anticipated to see more development in the future. The proposed

subdivision plan provides for a transition from higher-density development to the east and lower-density development to the west/southwest.

5. **Does the proposed rezoning ensure efficient development within the City, taking into consideration the capacity and safety of the street network, the adequacy of public facilities, the suitability of the land for the uses allowed under the existing zoning, and other relevant considerations?**

Yes, there are no anticipated traffic concerns. There are two proposed points of ingress/egress onto two NCDOT roads.

6. **Does the proposed rezoning result in a logical and orderly development pattern, taking into consideration the size of the subject lands and the zoning and existing and proposed development on surrounding lands?**

Yes, the proposed development provides a balance between surrounding low-density single-family residential land uses and the maximum density of 3-units per acre supported in the Comprehensive Plan.

7. **Does the proposed rezoning result in significant adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment?**

There are no negative environmental impacts, and the development will be required to conform to all applicable local, state, and federal environmental regulations.

The property is located along the fringe of the Protected Watershed Area for the Coddle Creek Reservoir (WS-II BW) which limits the maximum built-upon area to 12% utilizing the low-density option.

NOW, THEREFORE BE IT RESOLVED by the City Council that the above referenced property, as shown on the site plan submitted to the City, be rezoned from Agricultural (AG) to Residential 4-Conditional Zoning (R4-CZ) subject to the following conditions:

1. The permitted uses allowed by this rezoning shall only include the single-family detached residential densities as shown on the conceptual site plan approved with this rezoning.
2. NCDOT driveway permits shall be obtained for both proposed access points.
3. A Final Site Plan, in compliance with all applicable KDO standards, shall be submitted to and approved by City Staff prior to issuance of a Zoning Clearance Permit.
4. Comply with current Land Development Standards Manual.
5. The alternative individual septic/wastewater system shall only be considered if capacity/allocation are not available at the time of development.

Adopted this the 24th day of April 2023:

Milton D. Hinnant, Mayor
City of Kannapolis

Attest:

Bridgette Bell, MMC, NCCMC
City Clerk



Kannapolis City Council

City Council Agenda Staff Report

April 24, 2023

To: Mayor and City Council

From: Sherry Gordon, Community Development Program Administrator

Subject: Public Hearing for Use of CDBG & HOME program funds FY 2023-2024 (July 1, 2023 - June 30, 2024)

Action Requested by City Council

1. Conduct a public hearing to receive comments for the FY 2023-2024 Annual Action Plan for Community Development.
2. Motion to approve the FY 2023-2024 Annual Action Plan for Community Development

Required Votes to Pass Required Action

Majority Present at Meeting

Background

Each year the City must present within its Annual Action Plan submittal to HUD a defined work program for the funding level being sought. The City will submit its action plan to HUD by May 15. The plan was made available to the public for a 30 day period which will end on May 3, 2023. The City is a member of the Cabarrus/Rowan/Iredell HOME Consortium and is required to submit an Annual Action Plan to the City of Concord, the Consortium Lead Entity.

The City anticipates receiving \$397,437 in CDBG funds and \$188,593 in HOME funds for FY 2023-2024. This public hearing allows the City to receive citizens' comments or questions on the use of fiscal year 2023-2024 Community Development Block Grant (CDBG) and Home Investment Partnership (HOME) funds. The Community Improvement Commission reviewed the draft Annual Action Plan at its April 18th meeting.

Fiscal Implications

The City expects to receive \$397,437 in CDBG funds and \$188,593 in HOME funds from the Cabarrus/Iredell/Rowan HOME Consortium in fiscal year 2023-2024 (July 1, 2023 - June 30, 2024)

It is recommended that the following activities be undertaken:

CDBG Proposed Expenditures:

Urgent Repairs	\$259,950.00
Non-profit partnerships	58,000.00
General Admin/Fair Housing	<u>79,487.00</u>
	\$397,437.00

HOME Proposed Expenditures:

Homeowner Rehab	\$179,022.00
General Admin	<u>9,571.00</u>
	\$188,593.00

Policy Issues

None

Legal Issues

None

Recommendations and Alternate Courses of Action

1. **Conduct a public hearing to receive comments for the FY 2023-2024 Annual Action Plan for Community Development. (Recommended)**
2. **Motion to approve the FY 2023-2024 Annual Action Plan for Community Development (Recommended)**
3. Table to a future meeting.
4. Take no action.

Attachments

1. AAP DRAFT FY2023-24
2. publichearingad

Executive Summary

AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

The City of Kannapolis is the recipient of a yearly allocation of Community Development Block Grant (CDBG) funds from the U.S. Department of Housing and Urban Development (HUD). The City is a member of the Cabarrus/Iredell/Rowan HOME Consortium, a partnership consisting of nine jurisdictions. The Consortium is an annual recipient of HOME Investment Partnership funds (HOME). HOME funds received by the Consortium are managed by the City of Concord's Community Development Department.

As a condition of receiving these funds each fiscal year, the City of Kannapolis develops the Annual Action Plan for submittal to, and approval by, HUD. Each completed Annual Action Plan details how the HUD funds will be invested to address needs as described in the 5-Year Consolidated Plan. The Consolidated Plan is a document approved by HUD and the City that sets broad strategic goals, priorities and defines needs as they relate to community development and housing. The City's Consolidated Plan covers the years 2020-2024. At adoption, each Annual Action Plan becomes a part of the Consolidated Plan. The City's 2023-2024 Annual Action Plan covers the fourth year of the 2020-2024 Consolidated Plan.

2. Summarize the objectives and outcomes identified in the Plan

This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.

In the past year, the City has continued its efforts to revitalize neighborhoods with a focus on affordable housing, livable neighborhoods, and economic development. The needs that were identified in the Consolidated Plan as a priority fell under these categories:

- Addressing substandard, dilapidated, or deteriorated housing;
- Downpayment Assistance for first-time homebuyers; Improving neighborhood environments.

2. Non-Housing Community Development Needs:

- Street improvements, water and sewer improvements, curb and gutter improvements, sidewalk improvements, drainage improvements, recreation and greenway improvements that benefit low and moderate income neighborhoods and stimulate economic development; Work with area non-profit organizations that provide public services within Kannapolis to achieve its objectives for economic and community development.

3. Evaluation of past performance

This is an evaluation of past performance that helped lead the grantee to choose its goals or projects.

The City's past performance in administering the HUD programs is consistent with the intent of the program to provide safe, decent and affordable housing, increase access to suitable living environments and accessibility to economic opportunities.

4. Summary of Citizen Participation Process and consultation process

Summary from citizen participation section of plan.

In keeping with the City's citizen participation plan, the City sought input from several groups during the development of the plan. The 30 day citizen comment period was from April 1, 2023 to April 30, 2023. City Council will hold a public hearing on April 24, 2023 at the Kannapolis City Hall at 401 Laureate Way. Notice of the public hearing was published in the local newspaper, as well as provided to the Community Improvement Commission.

The City uses input from local boards and citizens to develop needs and set priorities for addressing the needs.

5. Summary of public comments

This could be a brief narrative summary or reference an attached document from the Citizen Participation section of the Con Plan.

6. Summary of comments or views not accepted and the reasons for not accepting them

All comments accepted.

7. Summary

DRAFT

PR-05 Lead & Responsible Agencies – 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
Lead Agency	KANNAPOLIS	
CDBG Administrator	KANNAPOLIS	

Table 1 – Responsible Agencies

Narrative (optional)

Consolidated Plan Public Contact Information

Sherry Gordon, 401 Laureate Way, Kannapolis, NC 28081

704-920-4332 (Office)

sgordon@kannapolisnc.gov

AP-10 Consultation – 91.100, 91.200(b), 91.215(I)

1. Introduction

The City of Kannapolis works closely with local non-profit agencies, neighborhood groups and service providers to address the needs of low to moderate income families, individuals, and homeless.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(I))

The City of Kannapolis is a member of the Cabarrus-Iredell-Rowan HOME Consortium of which the City of Concord is the lead entity. The Consortium meets a couple times a year to review projects and discuss issues. The Consortium provides a forum for the City of Kannapolis to work together with other members to leverage funds in order to make a greater impact.

The City of Kannapolis plans Fair Housing educational events in partnership with Concord Housing Authority, Cabarrus County, City of Concord as well as Prosperity Unlimited, Inc.

Through the City's interest in providing public health, the City works with the Cabarrus Health Alliance, Cannon Memorial YMCA, Atrium Health Cabarrus, and Kannapolis City Schools on health related initiatives.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

The Kannapolis area is a part of the five-county Piedmont Regional Continuum of Care Committee, which is a piece of the North Carolina Balance of State CoC (BoS CoC). Because the Balance of State is the largest geographic CoC in North Carolina, representing 79 out of 100 counties, it is organized into Regional Committees that coordinate local work and planning. Each Regional Committee is represented by a Regional Lead, who organizes local meetings and sits on the Balance of State Steering Committee. The lead for the Piedmont Regional Committee is a representative of Community Link, which receives CoC funding for transitional housing and permanent supportive housing.

The Executive Director of Cooperative Christian Ministry (CCM) serves on the Executive Team of the Piedmont Regional Committee. CCM is based in Cabarrus County and does extensive work in Kannapolis and nearby communities with preventing and addressing homelessness. CCM organized and leads the Cabarrus Homeless Task Force, of which the City of Kannapolis is a member, as well as Community Link -

the lead of the CoC Committee. Other members of the Task Force include Kannapolis City Schools, Cabarrus County and each of the homeless shelters and related service providers. Through the Task Force, the City of Kannapolis is able to stay updated on each organization's efforts, determine areas of potential partnerships, and make appropriate referrals to relevant agencies. The Task Force also coordinates the annual Point-in-Time Count for Cabarrus County.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

N/A

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction's consultations with housing, social service agencies and other entities

Table 2 – Agencies, groups, organizations who participated

1	Agency/Group/Organization	CABARRUS COOPERATIVE CHRISTIAN MINISTRY
	Agency/Group/Organization Type	Housing Services - Housing Services-homeless State
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Families with children Homelessness Strategy Market Analysis
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	CCM coordinates the Cabarrus County Homeless Task Force of which the City of Kannapolis is a member. CCM distributed the results of the Point in Time count. The City of Kannapolis meets regularly with CCM on projects and discuss sections of the Consolidated Plan. Our discussion includes new ideas or ways to improve programs.
2	Agency/Group/Organization	PROSPERITY UNLIMITED, INC.
	Agency/Group/Organization Type	Housing Services - Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Market Analysis Economic Development
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Prosperity Unlimited, Inc. is a member of the HOME Consortium with the City of Kannapolis. Prosperity provided information about the market study conducted for low income apartments for Seniors. The City provides down payment assistance to Prosperity Unlimited clients. Prosperity keeps us updated on the state of the housing markets which includes homebuyers and foreclosures.

3	Agency/Group/Organization	COMMUNITY LINK
	Agency/Group/Organization Type	Housing Services - Housing Services-homeless Regional organization
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Unaccompanied youth Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Community Link is the lead entity for the Piedmont Regional Committee of the NC Balance of State Continuum of Care. Community Link receives CoC funding for transitional housing and permanent supportive housing. Community Link provided Point in Time data as well as additional information about their programs and homelessness strategy.
4	Agency/Group/Organization	Concord Housing Authority
	Agency/Group/Organization Type	PHA
	What section of the Plan was addressed by Consultation?	Public Housing Needs Market Analysis
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Concord Housing Authority provided information for the Consolidated plan for the sections related to public housing
5	Agency/Group/Organization	Rowan County Housing Authority
	Agency/Group/Organization Type	PHA
	What section of the Plan was addressed by Consultation?	Public Housing Needs Market Analysis

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Rowan County Housing Authority provided information for the Consolidated Plan for the sections related to public housing.
6	Agency/Group/Organization	Cardinal Innovations
	Agency/Group/Organization Type	Services-Persons with Disabilities Health Agency
	What section of the Plan was addressed by Consultation?	Homelessness Strategy Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Cardinal Innovations manages Medicaid, state and local funding for mental health, intellectual and developmental disability and substance use/addiction services
7	Agency/Group/Organization	CABARRUS VICTIMS ASSISTANCE NETWORK (CVAN)
	Agency/Group/Organization Type	Services-Victims of Domestic Violence
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	CVAN provided data regarding the volume of clients they see and the organization's ability to provide services.
8	Agency/Group/Organization	HABITAT FOR HUMANITY CABARRUS COUNTY
	Agency/Group/Organization Type	Housing Services - Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Non-Homeless Special Needs Market Analysis

Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Habitat for Humanity works with the City to do urgent repair work and provide new housing for its clients. The City consulted with Habitat to learn more information about their client list and ability to continue partnerships.
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Identify any Agency Types not consulted and provide rationale for not consulting

None

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Community Link	The goals of the strategic plan area aligned with the goals of the CoC plan in the areas of homelessness services and prevention.

Table 3 – Other local / regional / federal planning efforts

Narrative (optional)

AP-12 Participation – 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal-setting

The City of Kannapolis encourages citizens to participate in the development of the Consolidated Plan, any substantial amendment to the plan as well as the CAPER and Annual Action Plan. Participation is encouraged by working with neighborhood groups, churches, citizen advisory board, local leaders and local agencies.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Public Meeting	Minorities Non-English Speaking - Specify other language: spanish Persons with disabilities Non-targeted/broad community		Comments regarding amount of funds allocated for public service projects and demolitions.	All comments accepted.	

Table 4 – Citizen Participation Outreach

Expected Resources

AP-15 Expected Resources – 91.220(c)(1,2)

Introduction

The FY 2023-2024 Annual Action Plan includes activities to be funded from July 1, 2023 to June 30, 2024 with the following sources of Federal funds: (table below)

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public – federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	397,437	0	0	397,437	0	
Other								

Table 5 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how

matching requirements will be satisfied

For low-income housing tax credit projects that the City participates in by providing HOME or CDBG funds, the federal dollars help leverage the developer's private investment in the projects.

The City is required to provide a 25% match for its annual HOME allocation. In past years, the City has been able to provide in-kind match by leveraging our partnership with Habitat Cabarrus and Cooperative Christian Ministry. With all organizations, the City has provided funds to assist with new construction or rehabilitation projects and the non-profits have provided a match through volunteer labor and donated supplies and appliances.

If appropriate, describe publicly owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

The City of Kannapolis owns several residential parcels in the Carver area and two additional properties outside that area and those properties are used in partnership with area non-profits to provide transitional housing. For the transitional housing units, our goal is to provide purchase options for those transitioning out of homelessness to homeownership.

Discussion

DRAFT

Annual Goals and Objectives

AP-20 Annual Goals and Objectives

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Improve and strengthen neighborhoods	2021	2023	Non-Housing Community Development	City-wide	Neighborhood improvement Substandard Housing	CDBG:	Public Facility or Infrastructure Activities for Low/Moderate Income Housing Benefit: 100 Households Assisted
2	Provide decent & affordable housing	2021	2023	Affordable Housing	City-wide	Substandard Housing	CDBG: \$100,002	Homeowner Housing Rehabilitated: 10 Household Housing Unit
3	Prevent and address homelessness	2021	2023	Affordable Housing Public Housing Homeless Non-Homeless Special Needs	City-wide	Homeless Prevention	CDBG: \$10,000	Public service activities for Low/Moderate Income Housing Benefit: 60 Households Assisted
4	Promote self sufficiency and community development	2021	2023	Non-Housing Community Development	City-wide	Self sufficiency	CDBG: \$40,000	Public service activities for Low/Moderate Income Housing Benefit: 100 Households Assisted

Table 6 – Goals Summary

Goal Descriptions

1	Goal Name	Improve and strengthen neighborhoods
	Goal Description	
2	Goal Name	Provide decent & affordable housing
	Goal Description	
3	Goal Name	Prevent and address homelessness
	Goal Description	
4	Goal Name	Promote self sufficiency and community development
	Goal Description	

Projects

AP-35 Projects – 91.220(d)

Introduction

The following projects will be undertaken with City of Kannapolis CDBG funding for FY 2023-2024:

Projects

#	Project Name
1	Program Administration
2	Urgent Repair/Weatherization
3	Fair Housing
4	Public Services
5	Infrastructure Improvements

Table 7 - Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

Projects were selected to ensure that the goals of the Annual Action Plan and Consolidated Plan could be achieved. Lack of sufficient funding is the greatest obstacle to addressing underserved needs.

AP-38 Project Summary
Project Summary Information

DRAFT

1	Project Name	Program Administration
	Target Area	City-wide
	Goals Supported	Improve and strengthen neighborhoods Provide decent & affordable housing Prevent and address homelessness Promote self sufficiency and community development
	Needs Addressed	Neighborhood improvement Substandard Housing Homeless Prevention
	Funding	\$79,487
	Description	Administration of CDBG program
	Target Date	6/30/2024
	Estimate the number and type of families that will benefit from the proposed activities	Program administration covers the staff and overhead costs for administering the CDBG program
	Location Description	Citywide
2	Project Name	Urgent Repair
	Target Area	Citywide
	Goals Supported	Provide decent & affordable housing
	Needs Addressed	Substandard Housing
	Funding	\$259,950
	Description	Urgent repair for homeowners
	Target Date	6/30/2024
	Estimate the number and type of families that will benefit from the proposed activities	30 homeowners estimated to be served
	Location Description	Citywide
	Planned Activities	Urgent repair projects can address handicap accessibility, water heaters, HVAC systems, electrical and/or plumbing hazards and leaking roofs up to \$8,000 per household.

4	Project Name	Fair Housing
	Target Area	City-wide
	Goals Supported	Improve and strengthen neighborhoods
	Needs Addressed	Neighborhood improvement
	Funding	\$1,000
	Description	Education and outreach - fair housing laws - rights and responsibilities
	Target Date	6/30/2024
	Estimate the number and type of families that will benefit from the proposed activities	20,000 citizens
	Location Description	Citywide
	Planned Activities	The City will provide education and outreach of fair housing laws, tenants rights and landlord responsibilities. This will include workshops, programs and distribution of information in newsletters and brochures.
5	Project Name	Public Services
	Target Area	City-wide
	Goals Supported	Prevent and address homelessness
	Needs Addressed	Homeless Prevention
	Funding	\$58,000
	Description	Non-profits receive grants to assist in public service provided to Kannapolis residents.
	Target Date	6/30/2024
	Estimate the number and type of families that will benefit from the proposed activities	200 or more families to be served in partnership with local non-profit agencies
	Location Description	Citywide
	Planned Activities	The City provides grants to non-profit organizations that provide public services to Kannapolis residents.

AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

Central Kannapolis has the highest proportions of extremely low and low income households and a substantial number of Hispanic and African-American residents. The northern and eastern areas of Kannapolis also have significant low and moderate income households as well as higher proportions of minorities. Although urgent repair, homeowner rehabilitation, and demolition programs are offered citywide, the households assisted tend to live in one of the areas of Kannapolis that has a higher proportion of low-to-moderate income residents. The vast majority of the City's community development funds will be spent in the central, northern, or eastern Kannapolis areas.

Geographic Distribution

Target Area	Percentage of Funds
Carver Area	2

Table 8 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

For certain projects or types of challenges, the City believes it is more effective to allocate community development funding geographically, to have a greater impact. The Carver area continues to be a target area for revitalization.

Discussion

The majority of the census tracts in Kannapolis are low-to-moderate income, so the City anticipates spending its community development funds in these areas.

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

The City does not plan to provide housing assistance for homeless or special need families through our CDBG and HOME programs. Those needs will be partially addressed through partner organizations. For example, Cooperative Christian Ministry has expanded its My Father's House emergency shelter for families. Cardinal Innovations receives permanent supportive housing funding to assist individuals with mental or developmental disabilities, and those with substance abuse problems.

One Year Goals for the Number of Households to be Supported	
Homeless	0
Non-Homeless	10
Special-Needs	60
Total	70

Table 9 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	60
The Production of New Units	0
Rehab of Existing Units	10
Acquisition of Existing Units	0
Total	70

Table 10 - One Year Goals for Affordable Housing by Support Type

Discussion

The City's FY 2023-24 Annual Action Plan includes \$259,950 for urgent repairs for homeowners using CDBG funds. This will provide for approximately 30 units to receive up to \$8,000 in repairs. It is listed under "Rehab for Existing Units" in the table because there is no category for urgent repairs.

AP-60 Public Housing – 91.220(h)

Introduction

The City of Kannapolis does not have its own housing authority. The Rowan County Housing Authority operates two public housing communities in Kannapolis (Running Brook and Locust St.) The Rowan County Housing Authority and the Concord Housing Authority administer Section 8 tenant-based vouchers, which can be used in Kannapolis. Each housing authority submits its own five-year plan to HUD.

Actions planned during the next year to address the needs to public housing

No City of Kannapolis funds for FY 2023-24 will be used to directly serve residents of public housing.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

The Rowan County and Concord Housing Authorities both have educational programs that encourage self sufficiency and make residents aware of resources that can assist in the path towards homeownership. They will refer residents to homebuyer education programs when appropriate.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

N/A

Discussion

The City of Kannapolis relies on the Rowan County and Concord Housing Authorities to address the needs of public housing residents. The City does not put direct funding towards public housing; we use our funds to address other low-moderate income priorities.

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

Due to limited funding and staff capacity, the City of Kannapolis relies heavily on partner organizations to address the needs of the homeless and special needs. Cooperative Christian Ministry provides an array of housing options for homeless individuals and families and is a subrecipient of public service funds from the City's CDBG program. The City also provides renovated housing for CCM to use as transitional housing. Community Link manages rapid-rehousing and permanent supportive housing grants within the region, and is the lead agency for the Piedmont Regional Committee of the Balance of State Continuum of Care. Cardinal Innovations receives permanent supportive housing grants and manages services for those with mental or developmental disabilities, and those with substance abuse.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

Homeless persons who are referred to an emergency shelter will be assessed through the Coordinated Assessment Plan being submitted by the Balance of State Continuum of Care that includes the Piedmont Regional Committee. The Coordinated Assessment Plan describes how and where individuals and families will be assessed and prioritized for housing in the community. That plan is not finalized but essentially says that assessment will happen at the emergency shelter level and diversion efforts will take place to make sure that people can return to the community without entering shelter if they don't absolutely need shelter. Those who are unsheltered are assessed by the organization that provides services for these individuals. That could include a soup kitchen, daytime homeless program (such as the Opportunity House), and the school systems if the families have children in school. These organizations work to understand the households' needs, provide available assistance, and make referrals to other organizations for additional assistance.

Addressing the emergency shelter and transitional housing needs of homeless persons

The Coordinated Assessment Plan will help assess the needs of homeless persons and direct them to the most suitable and available type of shelter or housing option. The plan also describes how people will be prioritized for housing using a tool called the Vulnerability Index- Service Prioritization Decision Assistance Tool (VI-SPDAT). Current shelter options in the Kannapolis area include emergency shelter for individuals, emergency shelter for families, shelter for domestic violence victims, transitional housing

programs for families and single mothers with children, and rental or financial assistance to help cover the cost of an apartment or hotel.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The CoC Coordinated Assessment has built in timelines that will facilitate families' movement through the system if resources are available. Community Link's programs have Housing Support Staff who identify affordable housing units in the community, provide tenant education and help to mediate landlord issues for their clients. For veterans, the SSVF program provides rapid rehousing for veterans and their families who may be in the emergency shelter as well as prevention services to help stabilize veterans in their existing housing. There are limited permanent supportive housing resources in the community for persons with disabilities. Spots open up in that program mainly when deaths occur.

Cooperative Christian Ministry has expanded its My Father's House program, which provides emergency shelter and services for families with children, to have double the current capacity to house more families.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

The City's non-profit partners are key in the prevention of homelessness. Cooperative Christian Ministry provide financial assistance for rent and utilities as well as a food pantry. Prosperity Unlimited and Habitat for Humanity provide financial literacy education and foreclosure prevention counseling. The school systems provide referrals and some assistance to families at imminent risk of homelessness.

For individual who are being discharged from institutions and systems of care, there are some specialized services to assist these individuals. These support organizations include the Cabarrus County Criminal Justice Partnership Program, the Employment Security Commission's Offender Specialist to help with job seeking, Cardinal Innovations for mental health, Rowan-Cabarrus Community College for workforce training programs for offenders and its R3 Career Center (has programs for those with a

criminal record), Serenity House in Concord, and the McLeod Addictive Disease Center.

Discussion

Although the City of Kannapolis does not provide direct funding for the homeless, we do support organizations that do so through the grants we provide non-profit organizations for public service activities. In addition, the City has provided rehabilitated housing units for use as transitional housing. Most direct services to homeless and special needs individuals are done through partner organizations.

DRAFT

AP-75 Barriers to affordable housing – 91.220(j)

Introduction:

Potential barriers to affordable housing within Kannapolis include tax policies, land development regulations and development fees, development density, and building and minimum housing codes. The City believes that Kannapolis is a fairly straight-forward and affordable community to build housing, compared to neighboring communities within the Charlotte region. This is based on data as well as development comments. However, the City will strive to be a place that continues to be affordable for a range of incomes.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

The City of Kannapolis adopted its long-range comprehensive plan in 2018, and is in the process of updating the City's zoning map and development ordinances. As part of this process, the City is looking at ways to promote quality development but at the same time, remain an affordable community for commercial and residential development.

Infill development on existing parcels within the core/older areas of Kannapolis has become popular as land becomes more scarce and costly. Developing in areas with established infrastructure is likely to be cheaper than greenfield sites where infrastructure must be extended. The City's ordinances allow builders to avoid additional costs in certain cases by not requiring the same level of infrastructure that might be required in a new development.

Discussion:

The City of Kannapolis has continued to maintain a pro-development approach to housing. Because of this, the City has a wide range of price points for housing. As mentioned in other areas of the Housing Market Assessment, housing costs in Kannapolis are much lower than nearby communities. The City is working to improve the condition of neighborhoods and the quality of housing while maintaining our affordability.

AP-85 Other Actions – 91.220(k)

Introduction:

The Annual Action Plan is comprehensive and addresses underserved needs, affordable housing, lead-based paint hazards, poverty reduction, institutional structure development, and agency coordination. These issues are briefly discussed within this section.

Actions planned to address obstacles to meeting underserved needs

The greatest obstacle to meeting underserved needs is limited funding. The City of Kannapolis partners with other organizations to leverage funds and make projects happen. For example, with the Prosperity Ridge low-income housing tax credit apartments for seniors, the City provided \$100,000 in HOME funds and \$40,000 in CDBG funds toward the project. The total project cost is \$7.2 million. The project was awarded tax credits, the City was able to leverage a relatively small amount of HOME funds to achieve 60 units of affordable housing.

Actions planned to foster and maintain affordable housing

The City's urgent repair program provides homeowners with critical repairs to their home, up to \$8,000 per home. This program allows the preservation of affordable housing, improves safety, and allows homeowners to continue living in their homes. The City's homeowner rehabilitation program also achieves these goals.

Actions planned to reduce lead-based paint hazards

The City will continue its efforts to reduce the number of housing units containing lead-based paint hazards in order to increase the inventory of lead safe housing available to the low-income population. The City requires lead tests on all units scheduled for rehabilitation that were built prior to 1978 and includes the lead abatement work as part of the scope of services completed by the contractor.

The City will increase access to housing without LBP hazards by participating in the construction of new housing units affordable to low-income households. These include low-income housing tax credit

projects as well as single family construction.

Actions planned to reduce the number of poverty-level families

- Proactive economic development efforts to recruit businesses to our community.
- Providing referrals to local job training and education resources. The City does not provide these services directly, but does sometimes provide support to organizations that provided these resources. For example, the City is provided the Rowan-Cabarrus Community College with funding to help them expand their cosmetology program into a space in downtown Kannapolis.
- Increasing the supply of affordable housing, both through the use of HOME and CDBG funds, and by encouraging the work of other affordable housing developers.
- Supporting non-profit agencies that provide assistance to those experiencing poverty through the City's public services funding.

Actions planned to develop institutional structure

Once the Coordinated Assessment Plan is finalized by the Continuum of Care, that will provide a clearer process for intake, assessment, and referrals for homeless clients.

The City continues to encourage new organizations or existing organizations with new programs to apply for public service activity funding, by setting aside a portion of funds specifically for these applicants. The City would like to assist in providing the start-up funds needed to establish new programs that benefit the Kannapolis community.

The Mayor and City Council make the decisions about the City's community development activities and funding, with guidance from the general public and the Community Improvement Commission (CIC). The CIC is a 9-member group of citizens appointed by City Council to provide input to the community development program, review annual plans, CAPERs, and other documents, and provide recommendations about funding for public service activities.

Cooperative Christian Ministry has expanded its My Father's House family shelter to double the capacity of this facility. It is also continuing to add housing units to its Teaching House transitional housing program, in partnership with the City of Kannapolis. CCM is evaluating a project to convert a closed assisted living facility into a potential solution for single adult females without children. They are also looking at how to better address the needs of the chronically homeless. This is a difficult task and will

likely involve securing a small or medium sized multi-family facility, accompanied by services.

Actions planned to enhance coordination between public and private housing and social service agencies

The Balance of State Continuum of Care is implementing a Coordinated Assessment Plan that will improve the intake and referral process for homeless individuals. It will enhance the coordination between agencies and non-profit groups that serve the homeless population. In addition, Kannapolis will continue to be part of the Cabarrus County Homeless Task Force, which meets to communicate needs and issues across multiple organizations that relate to services for the homeless. Kannapolis will also continue to be part of the Cabarrus-Iredell-Rowan HOME Consortium led by the City of Concord, which meets a few times a year to discuss projects using HOME funds.

In terms of economic development, the City of Kannapolis works very closely with the Rowan Economic Development Commission and the Cabarrus Economic Development Commission. Both groups have recently hired new existing industry specialists, which will help improve the communication and coordination between businesses, government, and workforce training programs.

Discussion:

Despite having a limited amount of funding, the City of Kannapolis works very closely with community partners to meet the housing and community development needs within our city and leverage the funding to do more.

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(l)(1,2,4)

Introduction:

Community Development Block Grant Program (CDBG)

Reference 24 CFR 91.220(l)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	0

Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	100.00%

Although the City of Kannapolis has an urgent repair program, it is not considered an urgent need activity by HUD/CDBG definitions, as these repairs are not for imminent danger situations.

DRAFT

Attachments

DRAFT

Grantee SF-424's and Certification(s)

DRAFT



NOTICE OF PUBLIC HEARING

The Kannapolis City Council will hold a public hearing on Monday, April 24, 2023 at 6:30 p.m. in the Kannapolis City Hall/Police Headquarters, 401 Laureate Way, Kannapolis, NC. The purpose of this hearing is to receive citizens comments and questions on the use of FY2023-2024 Community Development Block Grant (CDBG), and FY2023-2024 HOME funds from the U.S. Department of Housing and Urban Development (HUD).

Each year the City must develop an Annual Action Plan and budget for submission to HUD for CDBG & HOME funds. The City expects to receive approximately \$397,437 in CDBG funds and approximately \$188,573 in HOME funds. All HUD funds must benefit low and moderate income persons, households or neighborhoods. All specific expenditures are detailed in the FY2023-2024 Annual Action Plan, available for public inspection at the following locations: City of Kannapolis Administrative Offices, 401 Laureate Way, Kannapolis, NC and from the City's website: www.kannapolisnc.gov

CDBG Proposed Expenditures

Urgent Repair	\$ 259,950.00
Non-profit Partnerships	58,000.00
General Administration/Fair Housing	<u>79,487.00</u>
	\$ 397,437.00

HOME Proposed Expenditures

Homeowner Rehab	\$ 179,022.00
General Administration	<u>9,571.00</u>
	\$ 188,593.00

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the **City of Kannapolis**, should contact the office of **Tina H. Cline, Human Resource Director**, by phone at 704-920-4302 or by email at tccline@kannapolisnc.gov as soon as possible but no later than 48 hours before the scheduled event.

Questions can be directed to Kannapolis Community Development at 704-920-4332



EEOC
U. S. Equal Employment
Opportunity Commission





Kannapolis City Council

City Council Agenda Staff Report

April 24, 2023

To: Mayor and City Council
From: Mike Legg, City Manager
Subject: Appoint a member of City Council as designated voting delegate for the NCLM Annual Business Meeting

Action Requested by City Council

Motion to appoint a member of City Council as designated voting delegate for the NCLM.

Required Votes to Pass Required Action

Majority Present at Meeting

Background

The City of Kannapolis is a member of the North Carolina League of Municipalities (NCLM). During the NCLM Annual CityVision Conference, held April 25-27 in Concord, League members will attend the annual business meeting where the 2023-2024 electronic Board of Directors election results will be announced. Each member municipality shall **designate one voting delegate** who is eligible to cast a single vote for the 2023-2024 League Board of Directors in advance of the annual business meeting. There will be additional in-person votes by the membership at the April 27, 2023 annual business meeting at CityVision conference, including a vote on [proposed Bylaws](#). The Board of Directors has approved submitting proposed Bylaws to the membership for a vote at the CityVision conference, and these Bylaws represent a full re-working of the League's governing documents.

Fiscal Implications

N/A

Policy Issues

N/A

Legal Issues

N/A

Recommendations and Alternate Courses of Action

1. **Motion to appoint a member of City Council as the designated voting delegate (Recommended)**
2. Take no action.

Attachments

1. By-Laws of the NCLM

**BYLAWS OF THE
NORTH CAROLINA LEAGUE OF MUNICIPALITIES.**

**ARTICLE I
NAME**

The name of this organization shall be the North Carolina League of Municipalities (the “League”), which shall be a non-partisan federation of municipal governments in North Carolina.

**ARTICLE II
OBJECT**

The object of the League shall be to serve as an instrumentality of the municipal governments in North Carolina and as an association for the cooperation of the municipalities in this State to investigate, study, discuss and recommend improvements in and the application of more efficient methods in municipal government; to provide means whereby officials may interchange ideas and experiences and obtain expert advice; to collect, compile and distribute to municipal officials information about municipal government and the administration of municipal affairs; to serve as an advocate for municipalities with regard to legislation and to oppose legislation injurious thereto; to develop, advocate and support municipal government policies; to cooperate with other levels of government and the agencies thereof in developing interlocal and intergovernmental policy and action programs; to promote, sponsor or conduct training programs designed to improve the quality of municipal government; to promote education in municipal government; and to do any and all things necessary and proper for the benefit of municipalities in the administration of their affairs in carrying out responsibilities to the public.

**ARTICLE III
MEMBERS**

Section 1. Membership. There shall be four categories of League membership with the following qualifications and rights, including any additional requirements in Board policy:

- (a) Corporate. Any incorporated city, town or village in of North Carolina may become an active, Corporate member of the League, upon written application to the Executive Director and payment of the required annual service fee. Active officials and employees of Corporate members shall be entitled to all privileges of membership.
- (b) Associate. Any unit of local government, public authority or special district, as defined in the NC Local Government Budget and Fiscal Control Act, other than an incorporated city, town or village, or any other organization or entity may become an Associate member upon written application, approval by the Executive Director, and payment of the required annual service fee, provided that the unit, organization or entity has a direct and significant connection with one or more municipalities and authorized municipal powers and functions. A unified government under the provisions of Article 24 of G.S. Chapter 153A may become an Associate member upon written application, approval and payment of the required annual service fee. Associate members shall be entitled to all privileges of membership, except that they

shall not be eligible to serve as President, Vice Presidents, or on the Board of Directors, or to vote.

- (c) Limited Purpose. An NC county or county-related entity that proposes to join the Municipal Insurance Trust by entering into the requisite interlocal agreement shall be deemed a League member for the limited purpose of participating in that trust and related health programs. Limited Purpose membership shall be granted upon approval by the Executive Director and payment of required fees. For purposes of this Article, structure, funding, governance, authority, function, direct and significant connection, and other pertinent factors shall be considered in determining whether an entity is county-related. An entity must be a political subdivision of North Carolina, an instrumentality of one or more political subdivisions, a unit of local government, a body corporate and politic, a public authority, or similarly designated under state law to qualify for Limited Purpose membership. Limited Purpose members shall not be entitled to membership privileges other than the privilege of participating in the health insurance trust and related programs.
- (d) Affiliate. Organizations whose membership is composed predominantly of municipal officials or employees may become an Affiliate member upon entering into written service agreements with the League and upon payment of the service fees as provided in their respective written agreements.

Section 2. Admission to Membership. Admission to membership shall follow the process prescribed by the Board.

Section 3. Dues. The Board shall establish annual service fees for each category of membership in such amounts as it deems appropriate. The Board may authorize the Executive Director to establish other charges for special League services, meetings, publications or other purposes as it deems appropriate.

ARTICLE IV OFFICERS

Section 1. Officers. The officers of the League shall be President, First Vice President, Second Vice President, Immediate Past President, and the Executive Director.

Section 2. President. The President shall preside at all business meetings of the League, appoint all committees unless otherwise provided, and perform such other duties as are usually incumbent upon that office or as may be directed by the League or the Board.

Section 3. Vice Presidents. In case of absence or disability of the President, the First Vice President shall exercise the President's functions. In the event the First Vice President cannot fulfill that duty, the Second Vice President shall exercise the President's functions.

Section 4. Executive Director. The Executive Director shall be appointed by and shall serve at the pleasure of the Board. The Executive Director shall administer all League affairs, keep the Board fully advised regarding League activities, and submit an annual report to the Board. The Executive Director shall be responsible for implementing League policies and programs and perform such other duties as directed by the Board. The Executive Director shall attend meetings of the Board and serve as Secretary of the League and maintain its records. For

said services, the Executive Director shall receive such compensation as determined by the Board.

Section 5. Officer Eligibility for Office. Any elected official of a member municipality shall, during the term for which they are elected or appointed, be eligible to serve as an officer.

Section 6. Term of Office. With the exception of the Executive Director, officers shall be elected for a term of one year for each office or until their successors are elected, and their term of office shall begin at the close of the annual meeting following their election. Officers may serve up to four consecutive terms.

ARTICLE V BOARD OF DIRECTORS

Section 1. Board of Directors.

(a) Composition. The Board shall consist of the following, all of whom must be active officials of member municipalities:

- (1) President.
- (2) First Vice President.
- (3) Second Vice President.
- (4) Immediate Past President.
- (5) Executive Director.
- (6) District. One director from each of the twelve League districts as set forth in subsection (b) of this section.
- (7) At-Large. Three directors elected at-large, all of whom shall be municipal elected officials.
- (8) Affiliate. Five directors representing designated affiliates, three of whom shall be managers or appointed chief administrative officers of a municipality; one of whom shall be an attorney who represents a municipality; and one of whom shall be a municipal clerk.
- (9) Large City. One director from each of the largest six municipalities above 200,000 in population, according to the most recent decennial census.
- (10) President Appointment. Three directors appointed at-large by the President, taking into account municipal population, geography, minority and gender representation, and other factors as appropriate to represent the diversity and interests of the membership. In the event of a vacancy in the office of Immediate Past President, the President may appoint one additional director.

(b) Districts. The League districts are composed of the following counties:

- (1) First District: Bertie, Camden, Chowan, Currituck, Dare, Martin, Gates, Hertford, Pasquotank, Perquimans, Tyrell and Washington.
- (2) Second District: Beaufort, Carteret, Craven, Hyde, Jones, Onslow and Pamlico.
- (3) Third District: Bladen, Brunswick, Columbus, Duplin, New Hanover, Pender and Sampson.
- (4) Fourth District: Greene, Johnston, Lenoir, Pitt, Wayne and Wilson.

- (5) Fifth District: Edgecombe, Franklin, Halifax, Nash, Northampton and Warren.
 - (6) Sixth District: Alamance, Caswell, Chatham, Durham, Granville, Orange, Person, Vance and Wake.
 - (7) Seventh District: Cumberland, Harnett, Hoke, Lee, Moore, Robeson and Scotland.
 - (8) Eighth District: Anson, Cabarrus, Mecklenburg, Montgomery, Richmond, Stanly and Union.
 - (9) Ninth District: Davidson, Davie, Forsyth, Guilford, Randolph, Rockingham, Rowan and Stokes.
 - (10) Tenth District: Alexander, Alleghany, Ashe, Avery, Caldwell, Iredell, Surry, Watauga, Wilkes and Yadkin.
 - (11) Eleventh District: Burke, Catawba, Cleveland, Gaston, Lincoln, McDowell and Rutherford.
 - (12) Twelfth District: Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Madison, Macon, Mitchell, Polk, Swain, Transylvania, and Yancey.
- (c) Excluding the officers and those directors representing affiliate organizations, not more than one member of the Board shall be from the same municipality. In no event shall more than two members of the Board be from the same municipality.

Section 2. Duties. The Board shall have general control and supervision of the League and determine all questions or issues which arise between League meetings. The Board shall adopt an annual budget and make necessary provisions to employ a qualified accountant to audit League funds and accounts annually. In addition, the Board may adopt policy to supplement or clarify the provisions of these Bylaws.

Section 3. Director Eligibility for Office. Any elected official of a member municipality shall, during the term for which they are elected or appointed, be eligible for director.

Section 4. Nomination Procedure. Nominations for office shall be made by a Nominating Committee appointed and announced by the President not later than forty-five (45) days prior to the annual business meeting. Nominations for the three Directors who are managers or chief administrative officers may be made from a slate of one or two nominees submitted to the Nominating Committee by the municipal members of the NC City and County Management Association. Nomination for the Director who is an attorney representing a municipality may be made from a slate of one or two nominees submitted by the NC Association of Municipal Attorneys. Nomination for the Director who is a municipal clerk may be made from a slate of one or two nominees submitted by the NC Association of Municipal Clerks. Nominations for Large City seats may be made by the Large City seeking representation. The Nominating Committee shall not be bound by nominations offered by affiliates and cities.

Section 5. Election and Term of Office. Election of Board members may be held in advance of the annual meeting and may be conducted electronically. Each member municipality shall designate one voting delegate for consideration of the proposed slate from the Nominating Committee, and the voting delegate shall cast the vote of the municipality. Officers shall hold their office for one year as provided in Art. IV, Sec. 6 of these Bylaws. Directors shall hold

their offices for a term of two years through the second succeeding annual meeting or until their successors are elected. Directors who are President Appointments shall hold their offices for a term that expires with the term of the appointing President. No director, exclusive of officers, shall serve more than two consecutive terms. Directors shall be sworn and assume office immediately after the close of the annual meeting, except that President Appointments shall be sworn into office at the first meeting of the Board following the annual meeting.

Section 6. Vacancies. Should any officer or director discontinue for any reason their official position with the municipality, that individual's office with the League shall immediately become vacant. Vacancies shall be filled by the Board for the unexpired portion of the term.

ARTICLE VI MEETINGS

Section 1. Board Meetings. The Board shall meet at such time and place as may be designated by the President. A quorum shall consist of a majority of the actual membership of the Board, excluding vacant seats. A majority of the directors present and voting shall be required to adopt any motion or to take any other action, except as otherwise provided in these Bylaws.

Section 2. Annual Meeting. A meeting of the League membership shall be held annually at a place, date, and time determined by the Board for the purpose of receiving reports and transacting such other business as may properly come before it.

Section 3. Special Meetings. Special meetings of the League membership may be called by the Board, the Executive Committee, or upon the request of the governing bodies of ten percent of the corporate members. The purpose of any special meeting shall be stated in the call, and only business mentioned in the call can be transacted at such a meeting.

Section 4. Notice. Not less than forty-five (45) days in advance of any League membership meeting, the Executive Director shall give written notice of the time and place to all member municipalities. Such notice may be delivered to each member municipality by U.S. Mail or electronically at the mailing or electronic address furnished by the member. If by mail, such notice will be deemed to have been given when deposited in the US Mail. If electronic, such notice will be deemed to have been given on the date sent.

Section 5. Quorum at Annual Meeting. A quorum shall be calculated based on the number of member municipalities present and voting.

Section 6. Voting at Annual Meeting. Each member municipality represented at a League membership meeting shall have one vote, which shall be the majority expression of the delegates from that municipality. A majority vote of municipalities present and voting shall govern, except as otherwise provided in these Bylaws.

Section 7. Meeting Rules. The Board may establish rules and procedures under which member municipalities may submit policy matters for consideration at any meeting.

Section 8. Proxies. There shall be no proxy voting at League meetings.

Section 9. Electronic Meetings. The Board may hold a regular or special meeting by, or conduct the meeting through the use of, any means of communication by which directors participating may simultaneously hear and be heard by each other during the meeting. A director participating in a meeting by this means is deemed to be present in person at the meeting. Board meetings may be held virtually or decisions made electronically to the fullest extent allowed by law.

Section 10. Electronic Voting. Between annual meetings, the Board may submit any question to the membership by written or electronic ballot. Such ballot shall be provided to each member municipality using the notice provisions set forth by these Bylaws and shall include voting instructions. A majority vote of those voting shall govern, except as otherwise provided in these Bylaws. In the discretion of the Board, membership meetings may be held virtually or decisions made by the membership electronically to the fullest extent allowed by law.

ARTICLE VII COMMITTEES

Section 1. Committees. In addition to committees designated in these Bylaws, the President may establish such standing and special committees as deemed necessary and appropriate.

- (a) Executive Committee. The Executive Committee shall consist of no more than eight individuals, including the officers, and such other additional individuals who shall be chosen by the Board from among its own membership at the first Board meeting following the annual meeting. In making appointments, the Board shall take into consideration appropriate factors to represent the diversity and interests of the membership. The President shall chair the Executive Committee. The Executive Committee shall meet at the call of the President or any three members. The Executive Committee is empowered to act on behalf of the Board on all matters, but shall not take any action that is contrary to a decision of the Board or that results in a substantial change to the structure or functions of the organization. The Executive Committee shall report any actions taken to the Board at its next meeting and shall keep the Board informed of all Executive Committee activities. In the interim between the annual meeting and the first Board meeting subsequent to the annual meeting, the officers and any Executive Committee members still serving on the Board shall constitute the Executive Committee.
- (b) Finance Committee. There shall be a Finance Committee comprised of a chairperson and four to six members from the Board. The Committee shall advise the Board concerning the annual budget, the membership service fee schedule, the annual audit, and other matters concerning the financial affairs of the League.
- (c) Nominating Committee. There shall be a Nominating Committee comprised of a chair and a minimum of eight other members appointed by the President. Including the chair, three members of the Committee shall be past Presidents of the League who are active municipal officials, and the remainder shall be active municipal officials chosen at large. If there are fewer than three qualified past Presidents available to serve, those seats shall be filled by municipal officials appointed at large. The President shall appoint and

announce the membership of the Nominating Committee no later than forty-five (45) days in advance of the annual meeting each year. The Nominating Committee shall seek to nominate a balanced slate of officers and directors by considering municipal population, geography, minority, gender, and ethnicity representation, past representation of particular municipalities, and other factors as appropriate to represent the diversity and interests of the membership.

- (d) Legislative Policy Committee. There shall be a Legislative Policy Committee to advise and assist the Board as to legislative priorities for the League. The committee shall make such recommendations and reports to the Board as are deemed appropriate by the committee. The committee shall be composed of at least 50 but no more than 65 elected or appointed municipal officials appointed by the President. The committee shall have at least one chair chosen by the President from among the members of the Board, and may have up to two vice-chairpersons, chosen by the President from among the members of the committee. Members may serve up to four consecutive years on the committee, excluding any service as chair. Committee members shall serve until their successors are appointed.

Section 2. Committee Members. The President shall make appointments to all committees and may fill any vacancies. In making appointments, the President shall take into consideration appropriate factors to represent the diversity and interests of the membership. Should any member of a committee discontinue their official position with a municipality, the committee position shall immediately become vacant.

Section 3. Quorum at Committee Meeting. A majority of committee members present shall constitute a quorum.

Section 4. Electronic Meetings. In the discretion of the Board, committee meetings may be held virtually or decisions made electronically to the fullest extent allowed by law.

ARTICLE VIII INDEMNIFICATION & INSURANCE

Section 1. Indemnification. The League may indemnify any and all of its officers, directors, employees, and agents against liability and reasonable litigation expenses, including attorneys' fees incurred by them, in connection with any action, suit, or proceeding in which they are made or threatened to be made a party by reason of being or having been such director, officer, employee or agent excluding, however, liability or litigation expenses which any of the foregoing may incur in relation to matters as to which they shall be adjudged in such action, suit, or proceeding to have acted in bad faith or to have been liable or guilty by reason of willful misconduct in the performance of their duties.

Section 2. Insurance. The League may purchase and maintain insurance on behalf of any person who is or was a director, officer, employee, or agent of the League against any liability asserted against and incurred by that person in any such capacity, or arising out of his or her status as such, whether or not the League would have the power to indemnify that person against such liability.

**ARTICLE IX
DISSOLUTION**

Upon dissolution of the League, the Board shall, after paying or making provisions for the payment of all liabilities of the League, distribute all of the net assets of the League to the Corporate members, all of which are municipalities. No assets shall be distributed to any private interest or profit entity.

**ARTICLE X
PARLIAMENTARY AUTHORITY**

The rules contained in the current edition of *Robert's Rules of Order Newly Revised* shall govern the League in all cases to which they are applicable and in which they are not inconsistent with these Bylaws and any special rules of order the League may adopt.

**ARTICLE XI
AMENDMENT**

These Bylaws may be amended by a two-thirds majority vote of the Board of Directors. The membership shall be notified of amendments made by the Board no later than the next subsequent annual meeting. The Board reserves the right to submit a proposed amendment to the membership for a vote with the membership's vote requiring a two-thirds majority to pass.

Adopted this day April 27, 2023 by the League membership at its annual meeting.



Kannapolis City Council

City Council Agenda Staff Report

April 24, 2023

To: Mayor and City Council
From: Mike Legg, City Manager
Subject: Resolution adopting a revised City Council Meeting Schedule

Action Requested by City Council

Motion to adopt a Resolution amending the regular meeting schedule.

Required Votes to Pass Required Action

Majority Present at Meeting

Background

City Council will be making significant decisions related to our Strategic Plan and other work session topics. In order to better facilitate the discussions, the following revised meeting schedule is being proposed.

2nd Monday of each month beginning at 4:30 PM in the Laureate Room. Work Session.

4th Monday of each month beginning at 6:00 PM in the Laureate Room. Business Meeting.

Basically, there will be only two meetings per month, the 2nd and 4th Mondays of each month. It is recommended that Council approve a Resolution to reflect the revised meeting schedule previously adopted by City Council.

Fiscal Implications

N/A

Policy Issues

N/A

Legal Issues

N/A

Recommendations and Alternate Courses of Action

1. Resolution amending the meeting schedule of City Council.
2. Make changes to the Resolution.
3. Do not approve Resolution.
4. Defer to a future meeting.

Attachments

1. Resolution amending FY23 meeting schedule 04-24-2023

KANNAPOLIS CITY COUNCIL

RESOLUTION

BE IT RESOLVED by the Kannapolis City Council, pursuant to North Carolina General Statute 160A-71, that the following amendment be made to the regular schedule meeting of the City Council:

The Kannapolis City Council shall hold a Work Session meeting on the 2nd Monday of each month, beginning at 4:30 PM at the Kannapolis City Hall, Council Chambers, 401 Laureate Way, Kannapolis, NC.

The Kannapolis City Council shall hold a Business meeting on the 4th Monday of each month, beginning at 6:00 PM at the Kannapolis City Hall, Council Chambers, 401 Laureate Way, Kannapolis, NC.

BE IT FURTHER RESOLVED, that the regular meeting schedule previously adopted by the City Council is hereby rescinded in favor of the schedule set forth in this Resolution.

BE IT FURTHER RESOLVED, this regular meeting schedule shall be effective immediately and shall continue in effect unless and until it is revoked or amended by action of the City Council.

Adopted this 24th day of April, 2023.

Milton D. Hinnant, Mayor

ATTEST:

Bridgette Bell, MMC, NCCMC
City Clerk