CITY COUNCIL
WORK SESSION AGENDA
KANNAPOLIS CITY HALL
401 LAUREATE WAY
KANNAPOLIS NC
AUGUST 14, 2023 4:30 PM

Please Turn off Cell Phones or Place on Silent Mode.

CALL TO ORDER AND WELCOME

ADOPTION OF AGENDA - Motion to Adopt Agenda or make revisions

CONSENT AGENDA - Motion to Adopt Consent Agenda or make revisions

A. **FIRST READING** - Text Amendment TA-2023-02 - Legacy CD Zoning District Amendments (Richard Smith, Planning Director)

B. **LEASE AGREEMENT** - Amend the Vietnam Veterans Park Agreement with Cabarrus County (Gary Mills, Parks & Recreation Director)

C. **VOLUNTARY ANNEXATION -** Resolution directing the City Clerk to investigate and Certify the Sufficiency of the Petition and Adopt a Resolution of Intent to Annex and fix date of Public Hearing of approximately 9.7 acres of non-contiguous property located at 9600 Davidson Highway (Richard Smith, Planning Director)

D. **VOLUNTARY ANNEXATION -** Resolution directing the City Clerk to investigate and Certify the Sufficiency of the Petition and Adopt a Resolution of Intent to Annex and fix date of Public Hearing of approximately 1.06 acres of non-contiguous property located at 3495 Shiloh Church Road (Richard Smith, Planning Director)

E. July 10, 2023 Work Session Minutes (Bridgette Bell, City Clerk)

F. July 13, 2023 Continued Meeting Minutes (Bridgette Bell, City Clerk)

G. July 24, 2023 Business Meeting Minutes (Bridgette Bell, City Clerk)

H. July 10, 2023 Closed Session Minutes (Bridgette Bell, City Clerk)

BUSINESS AGENDA

A. **PRESENTATION/DISCUSSION -** Stormwater Improvement Discussion (Michael Rattler, Director of Transportation & Environmental Services, Wilmer Melton, Assistant City Manager)

B. **PRESENTATION/DISCUSSION -** Main Street Improvements (Wilmer Melton, Assistant City Manager, Irene Sacks, Director of Economic & Community Development)

CLOSED SESSION - GS. 143-318.11 (a) (3) to consult with an attorney in order to preserve the attorney client privilege and G.S. 143.318.11 (a) (4) for discussing matters relating to the location or expansion of industries or businesses in the area (Mayor Pro tem Kincaid)

MOTION TO ADJOURN

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, contact Tina Cline, Human Resource Director at 704-920-4302 or email tcline@kannapolisnc.gov as soon as possible, but no later than forty-eight (48) hours before the scheduled event.

Kannapolis

Agenda Staff Report
August 14, 2023

To: Mayor and City Council

From: Richard Smith, Planning Director

Subject: **FIRST READING** - Text Amendment TA-2023-02 - Legacy CD Zoning District Amendments

Action Requested by City Council

MOTION - Continue to August 28, 2023 for Second Reading and Public Hearing of TA-2023-02.

Required Votes to Pass Required Action

Majority Present at Meeting

Background

We received an application for a text amendment to the Kannapolis Development Ordinance (KDO). Based on this request, staff is proposing, and the Planning and Zoning Commission concurred with, the following amendments to the KDO, Article 4, Table 4.2.B(5): Principal Use Table; Section 4.2.D(5)g.6: Standards Specific to Principal Uses; Section 3.8.F(4): Modification of Underlying Use Permissions.

Amend Principal Use Table 4.2.B(5) to allow for 'Personal vehicle service and repair' with a special use permit in the Campus District (CD). The Campus District already allows for restaurant drive-thru service if it is secondary to an indoor seating area. This Campus District is a legacy district from the old UDO and will not be used for any new sites.

Amend Section 4.2.D(5)g.6 Standards Specific to Principal Uses to restrict "Personal vehicle service and repair" in the campus district.

Amend Section 3.8.F(4) Modification of Underlying Use Permissions within the Coddle Creek Subdistrict to allow all for some uses in the vehicle and services category near major intersections.

The Planning and Zoning Commission recommended approval of TA-2023-02 to City Council at their July 18, 2023 Commission meeting.

The proposed text amendments to the KDO are attached as Exhibit A and shown in **bold, red text.**

Fiscal Implications

None

Policy Issues

The Planning and Zoning Commission recommended approval of TA-2023-02 to City Council at their July 18, 2022 Commission meeting. Pursuant to Section 2.3.A(1)d of the KDO, City Council has final authority to review and make decisions on Zoning Text Amendments. The proposed text amendments to the KDO are attached and shown per staff recommended edits.

Legal Issues

None

Recommendations and Alternate Courses of Action

1. **Motion to Continue to August 28, 2023 for Second Reading and Public Hearing of TA-2023-02 (Recommended).**
2. Defer action to a future meeting.

Attachments

1. Text Amendment App
2. TA-2023-02 PZ Signed Statement of Consistency
3. Proposed Text Amendments

Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

Zoning Text Amendment Checklist

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

APPLICANT

Applicant: Randy Niessner

SUBMITTAL CHECKLIST

- [x] **Pre-Application Meeting**
- [x] **Zoning Text Amendment Checklist and Application – Complete with all required signatures**
- [x] **Fee: $400.00**

PROCESS INFORMATION

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

Review Process: All applications will be reviewed for compliance and then forwarded to the Planning and Zoning Commission for consideration at a public hearing which is held monthly on the third Tuesday at 6:00pm in City Hall Laureate Center. All items listed above on the submittal checklist must be received at least one month prior to the next scheduled public hearing.

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

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

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

Applicant's Signature: _____ *Date:* 7/5/2023

Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

KANNAPOLIS

ZONING TEXT AMENDMENT APPLICATION

Approval authority – Planning and Zoning Commission

Applicant Contact Information

Name: JZN Properties, LLC - Randy Niessner

Phone: (509) 591-5701

Address: 6012 Bayfield Parkway, Ste. 372
Concord, NC, 28027

Email: randyniessner24@gmail.com

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

See attached.

State your reasons for amending the text of the Ordinance:

The purpose of this proposed text amendment is to permit personal vehicle service and repair and carry-out to the legacy CD zoning district and to allow for the oil change service in the corridor overlay. These uses are compatible to the existing uses in the business park, notably the automotive race teams and the pizza hut/wing street and subway fast food restaurants, as well as the under-construction gas station.

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

Applicant Signature — 7/5/2023 Date

Property Owner Signature — Manager — 7/5/2023 Date

MPP Gateway Retail 2, LLC

KANNAPOLIS

RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY WITH REGARD TO TEXT AMENDMENT TA-2023-02

WHEREAS, Section 160A-383 (2013), of the North Carolina General Statutes, modified in Section 160D-605, specifies that the governing board shall also approve a statement describing whether its action is consistent with an adopted comprehensive and any other officially adopted plan that is applicable; and

WHEREAS, the text amendment to **Article 4, Table 4.2.B(5): Principle Use Table; Section 4.2.D(5)g.6: Standards Specific to Principal Uses; Section 3.8.F(4): Modification of Underlying Use Permissions to allow for quick oil change service establishments in the CD district and the Coddle Creek Subdistrict when located in proximity to high traffic volume areas** is consistent with the *Move Kannapolis Forward 2030 Comprehensive Plan*; and

WHEREAS, the Planning and Zoning Commission conducted a Public Hearing on July 18, 2023 for consideration of text amendment Case# TA-2023-02 as submitted by the Planning Department staff;

NOW, THEREFORE BE IT RESOLVED that the Planning and Zoning Commission finds the text amendment as represented in Case TA-2023-02 is consistent with the *Move Kannapolis Forward 2030 Comprehensive Plan*, as well as state statutes, reasonable, and in the public interest, and is recommended for approval by the City Council based on consideration of the application materials, information presented at the Public Hearing, and the recommendation provided by Staff.

Adopted this the 18th Day of July 2023:

Chris Puckett, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission

TA-2023-02 Proposed Text Amendments

Article 4, Table 4.2.B(5):

Table: Principal Use Table

P = Permitted by right, or, in planned development district, if specified in PD Plan; **S** = Special use; **–** = Prohibited

Principal Use Category or Type	AG	Residential							Mixed-Use						Non-residential				PD			Legacy			Use-Specific Standards
	AG	R1	R2	R4	R6	R7	R8	R18	MU-N	MU-SC	MU-UC	MU-AC	TOD	CC	OI	GC	LI	HI	PD	PD-R	PD-C	CD	CD-R	C-1	
Commercial Uses																									
Vehicle Sales and Services																									
Personal vehicle service and repair	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	P	-	-	-	-	P	**S**	-	-	**4.2.D(5)g.6**

4.2.D(5)g.6:

g. VEHICLE SALES AND SERVICES USES

6. Personal vehicle service and repair

(a) In the Campus District (CD) the site shall have frontage on a major arterial highway. The site must be within 500 feet of an intersection of two or more arterial highways.

(b) In the Campus District (CD) no vehicles shall be stored on site.

3.8.F(4):

(1) MODIFICATION OF UNDERLYING USE PERMISSIONS

Within the TPO District, use permissions shall be those that apply in the underlying zoning district, except as follows:

g. Within the Coddle Creek Subdistrict, the following uses are prohibited:

1. Kennels;

2. Amusement parks;

3. Uses in the Vehicle Sales and Services category;

(a) Sites that have frontage on an arterial highway and within 500 feet of an intersection of two or more major arterial highways shall be permitted if no vehicles are stored on site.

4. Prefabricated building sales;

Kannapolis

Agenda Staff Report
August 14, 2023

To: Mayor and City Council

From: Gary Mills, Parks & Recreation Director

Subject: **LEASE AGREEMENT** - Amend the Vietnam Veterans Park Agreement with Cabarrus County

Action Requested by City Council

Approve amendment to lease agreement with Cabarrus County for operation of Vietnam Veterans Park

Required Votes to Pass Required Action

Majority Present at Meeting

Background

The current lease agreement between the City of Kannapolis and Cabbarrus County for the use of city-owned property as part of Vietnam Veterans Park in Kannapolis is about to expire. The City and County have proposed an amendment to the lease agreement to extend the lease between the two entities until August 2026. The County has already approved the amendment. The proposed amendment is attached for review.

Fiscal Implications

None

Policy Issues

None

Legal Issues

Approval of lease agreement with Cabarrus County

Recommendations and Alternate Courses of Action

1. **Motion to approve amendment for new 3-year lease agreement with Cabarrus County for the operation of Vietnam Veterans Park (Recommended).**
2. Do not approve lease agreement or change the terms.
3. Assume operations of Vietnam Veterans Park.

Attachments

1. Vietnam Veterans Park Agreement Amendment August 2023

NORTH CAROLINA
CABARRUS COUNTY

SECOND AMENDMENT
TO LEASE AGREEMENT

THIS SECOND AMENDMENT TO LEASE AGREEMENT (hereinafter "Amendment") is made and entered into this the _____ day of _____ 2023 by and between the County of Cabarrus (hereinafter "County") and the City of Kannapolis, (hereinafter "City"). The County and City are hereinafter sometimes referred to as the "Party" or the "Parties".

WITNESSETH:

WHEREAS, Parties entered into a Lease Agreement (hereinafter "Lease") on or about August 23, 1999, pursuant to North Carolina General Statutes 160A-274 and 153A-165 providing for the lease and joint use of governmental property, which was amended by a First Amendment on or about July 10, 2020; and,

WHEREAS, the Parties now desire to again amend the Lease in accordance with the terms agreements and provisions hereinafter provided.

NOW THEREFORE, upon valuable consideration, the receipt and sufficiency is hereby acknowledged by each Party, and in performance of the premises contained herein, the Parties agree as follows:

1. **Recitals**. The recitals contained above are incorporated herein as a part of this Amendment.

2. **Term**. The Parties agrees that the Lease Term shall be extended for an additional three (3) years beginning September 1, 2023 and ending at midnight August 31, 2026.

3. **Ratification.** Except as specifically herein amended, all terms, provisions, conditions, and exhibits contained in the Lease, as amended, are hereby confirmed, ratified and restated and shall remain unmodified and in full force and effect. In the event that any provisions of this Second Amendment shall conflict with the terms, provisions and conditions of the Lease, the terms, provisions and conditions of this Second Amendment shall govern and control.

IN WITNESS WHEREOF, the Cabarrus County Board of County Commissioners and the Kannapolis City Council have approved this agreement and caused it to be executed and attested by their duly authorized officials.

STATE OF NORTH CAROLINA

COUNTY OF _____

I, _____, a Notary Public of _____ County and aforesaid State certify that Bridgette Bell, City Clerk to the City of Kannapolis, personally came before me this day and acknowledged that she is City Clerk to the City of Kannapolis and that by authority duly given and as the act of the City, the foregoing instrument was signed by its name by Milton D. Hinnant, Mayor of the City of Kannapolis, sealed with the City Seal and attested by herself as its City Clerk.

Witness my hand and official stamp or seal this ____ day of _____, 2023.

_____
Notary Public

(SEAL)

My Commission expires: _____

STATE OF NORTH CAROLINA

COUNTY OF Cabarrus

I, Sheila K. Bruce, a Notary Public of Cabarrus County and aforesaid State certify that Clerk to the Cabarrus County Board of Commissioners, personally came before me this day and acknowledged that ~~he~~/she is Clerk to the Cabarrus County Board of Commissioners and that by authority duly given and as the act of the Board, the foregoing instrument was signed by its name by Stephen M. Morris, Chairman of the Cabarrus County Board of Commissioners, sealed with the County Seal and attested by its Clerk.

Witness my hand and official stamp or seal this 19th day of July, 2023.

Sheila K. Bruce
Sheila K. Bruce Notary Public

(SEAL) SHEILA K. BRUCE NOTARY PUBLIC CABARRUS COUNTY, NC

My Commission expires: 08-17-2026.

Kannapolis

Agenda Staff Report
August 14, 2023

To: Mayor and City Council

From: Richard Smith, Planning Director

Subject: **VOLUNTARY ANNEXATION -** Resolution directing the City Clerk to investigate and Certify the Sufficiency of the Petition and Adopt a Resolution of Intent to Annex and fix date of Public Hearing of approximately 9.7 acres of non-contiguous property located at 9600 Davidson Highway

Action Requested by City Council

1. Motion to adopt a Resolution directing the City Clerk to investigate and Intent to Annex and Certify the Sufficiency of the Petition to Annex;
2. Motion to adopt a Resolution of Intent to Annex and Fix Date of Public Hearing on the Question of Annexation for August 28, 2023.

Required Votes to Pass Required Action

Majority Present at Meeting

Background

The applicant, Alpesh Patel, has submitted an application for a voluntary non-contiguous annexation of approximately 9.7 acres of property located at 9600 Davidson Highway. The property is further identified as Cabarrus County Parcel Identification Number 46822015490000. The parcel is presently located in an unincorporated area of Cabarrus County within an area designated as a future growth area for the City of Kannapolis.

Fiscal Implications

None

Policy Issues

The property is located in an unincorporated area of Cabarrus County that is currently zoned Countryside Residential (CR). This property is located within an area designated as a future growth area for the City of Kannapolis.

Legal Issues

Prior to considering the Annexation Ordinance, pursuant to NCGS Chapter 160A-58 et seq., City Council must first direct the City Clerk to investigate an Intent to Annex and to certify the sufficiency of the petition. City Council must also fix a public hearing date for consideration of the petition.

It is requested that City Council set the public hearing date for August 28, 2023. As is required by the North Carolina General Statutes, an initial City of Kannapolis zoning designation will be applied to the property by the Planning and Zoning Commission within 60 days of the effective date of the annexation.

Recommendations and Alternate Courses of Action

1. **Motion to approve Resolution Directing City Clerk to investigate an Intent to Annex under Chapter 160A-58 et seq. and to Certify the Sufficiency of the petition (Recommended)** and;
2. **Motion to approve Resolution of Intent to Annex and Fix Date of Public Hearing for August 28, 2023 on question of Annexation (Recommended).**
3. Do not approve Resolutions.
4. Table actions to future meeting.

Attachments

1. 9600 Davidson Hwy_Annexation_Signed
2. Resolution Directing the Clerk to investigate A-2023-06
3. Certificate of Sufficiency A-2023-06
4. Resolution of Intent A-2023-06
5. Legal Description Annexation 2023-06
6. Vicinity Map Color A-2023-06
7. Vicinity Map B/W A-2023-06
8. Vicinity
9. Survey Map A-2023-06

Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

KANNAPOLIS

Petition for Contiguous Annexation

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

ANNEXATION REQUEST

Approval authority – City Council.

Property Address: 9600 DAVIDSON HWY NC 28027

Applicant: Alpesh Patel

Address: 1483 coffeetree drive nw City: Concord State: NC Zip: 28027

Contact number: 7857875220 Email: alpeshshell@yahoo.com

SUBMITTAL CHECKLIST

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

PROCESS INFORMATION

Annexation involves two (2) separate City Council meetings:

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

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

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

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

Applicant's Signature: A-Q. Patel *Date:* 7/31/2023

Revised: 09/2022

Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

PETITION REQUESTING A CONTIGUOUS ANNEXATION

Approval authority – City of Kannapolis City Council

DATE: _____

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

1. We, the undersigned owners of real property respectfully request that the area described in paragraph 2 below be annexed to the City of Kannapolis.

2. The area to be annexed, located at 9600 Davidson HWY, further identified as Cabarrus County Parcel Identification Number 46822015490000, is contiguous to the primary limits of the City of Kannapolis, is approximately 9.37 acres, and the boundaries of such territory are as follows:

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

3. This petition is signed by all property owners of the area to be annexed.

4. ☑ The undersigned owners acknowledge that the following City service(s) is (are) not presently available for immediate taps upon annexation: water ☑ sewer ☑; and, subsequently agree that the City shall not provide water and sewer service to the area to be annexed except in accordance with the City's standard water and sewer policy.

5. Please check ONE box below:

   ☐ The undersigned owners declare that zoning vested rights have been established on the area to be annexed under G.S. 160D-108 or G.S. 160D-108.1 and provide proof of such rights by attachment hereto.

   ☑ The undersigned owners hereby declare that no such vested rights have been established and that any vested rights previously acquired are hereby terminated.

Name (print or type)	**Address**	**Signature***
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____

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

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE AN INTENT TO ANNEX: A-2023-06

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

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

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

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

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

ADOPTED this the 14th day of August 2023.

_____
Milton D. Hinnant, Mayor
City of Kannapolis

ATTEST:

_____
Bridgette Bell, MMC, NCCMC
City Clerk

CERTIFICATE OF SUFFICIENCY
A-2023-06

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

I, Bridgette Bell, City Clerk, do hereby certify that pursuant to NCGS Chapter 160A-58 *et seq*., I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the City of Kannapolis, North Carolina, this the 14th day of August 2023.

CITY OF KANNAPOLIS INCORPORATED SEAL 1984 NORTH CAROLINA

Bridgette Bell, MMC, NCCMC
City Clerk

RESOLUTION OF INTENT TO ANNEX AND FIX DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION: A-2023-06

WHEREAS, pursuant to N.C.G.S Chapter 160A-58 *et seq.*, the City Council may initiate annexation of real property not contiguous to the City's boundary pursuant to a Petition for Annexation by all property owners located therein by adopting a Resolution stating its intent to annex the property described.

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Laureate Center, 401 Laureate Way, Kannapolis, NC at 6:00 PM on the 28th day of August 2023.

Section 2. The area proposed for annexation is described as follows:

See attached Metes and Bounds Description

Section 3. Notice of public hearing shall be published in the Independent Tribune on August 11 and August 18, 2023

ADOPTED this the 14th day of August 2023.

_____
Milton D. Hinnant, Mayor
City of Kannapolis

ATTEST:

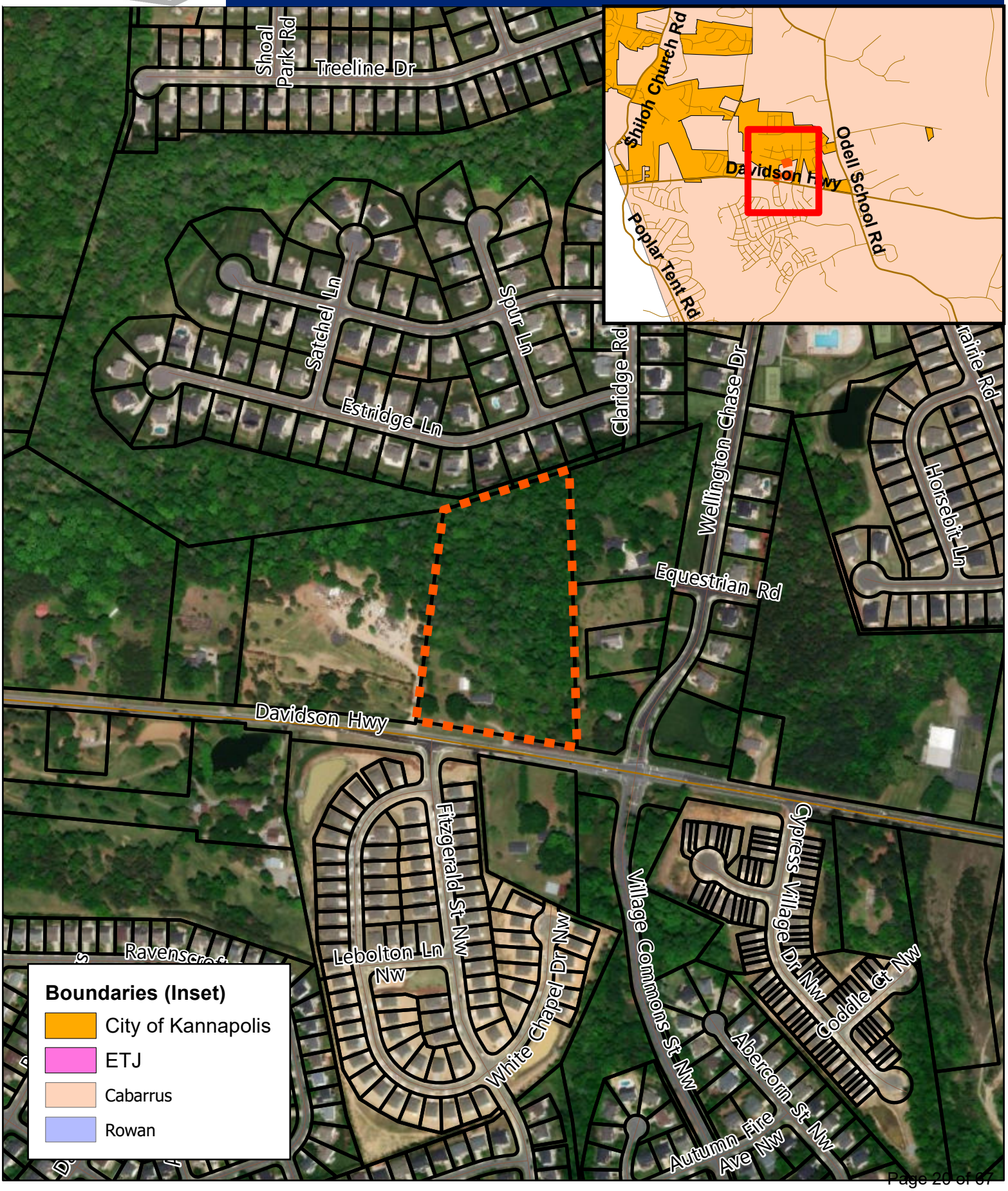
_____
Bridgette Bell, MMC, NCCMC
City Clerk

Exhibit A
Annexation #2023-06

BEGINNING at an existing rebar, being the northwest corner of the property of Brian J & Kelly J Schmidt (nor or formerly) recorded in Deed Book 10976 Page 1, said rebar having North Carolina State Plane Coordinates N: 621,143.13 E: 1,482,399.81 (NAD83/2011, CF: 0.99984971); thence following the common line of Schmidt with a bearing of S 01°21’18” E and a distance of 390.05’ to an existing rebar, being the common corner of the property of Eugen & Rosario Dietschi (nor or formerly) recorded in Deed Book 574 Page 630; thence following the common line thereof with a bearing of S 01°39’45” E and a distance of 615.36’ (passing a set rebar at 564.33’ and an existing pipe at 581.01’) to a point at the centerline of Davidson Hwy (N.C. Hwy 73); thence following the centerline thereof with a bearing of N 80°08’28” W and a distance of 552.78’ to a point; thence leaving the centerline and following the common line of the property of Big Green Tree Lawn Care Service Inc (now or formerly) recorded in Deed Book 14664 Page 250 with a bearing of N 07°24’33” E and a distance of 780.60’ (passing an existing rebar at 30.49’ and a set rebar at 50.05’) to an existing axle, being the common corner of the property of Wellington Chase Homeowners Association Inc (now or formerly) recorded in Deed Book 8512 Page 298 & Deed Book 9004 Page 232; thence following the common line thereof with a bearing of N 71°53’39” E and a distance of 438.60’ to an existing rebar; being the point of BEGINNING, having an area of 9.785 acres, more or less, as shown on a survey by Carolina Surveyors, Inc.

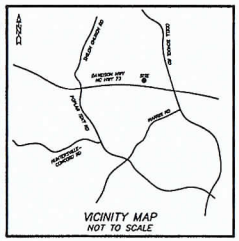
Vicinity Map

Case Number: A-2023-06
Applicant: Alpesh Patel
9600 Davidson Hwy



Colts Neck Ln
Treeline Dr
Odell School Rd
Davidson Hwy
Lockwood Rd
Wellington Chase Dr
Estridge Ln
Horsebit Ln
Davidson Hwy
Ravenscroft Ln Nw
White Chapel Dr Nw
Fitzgerald St Nw
Village Commons St Nw
Cypress Village Dr Nw
Abercorn St Nw
KANNAPOLIS
Vicinity Map
Case Number: A-2023-06
Applicant: Alpesh Patel
9600 Davidson Hwy
0 87.5 175 350
US Feet
Streets
Parcels
Voluntary Annexations
City of Kannapolis
Inset Map
Cabarrus
Rowan
Boundaries (Inset)
City of Kannapolis
ETJ

Enclave Cir
Shiloh Church Rd
Placid Rd
Jim Johnson Rd
Treeline Dr
Lockwood Rd
Odell School Rd
Bradford Rd
Davidson Hwy
Ravenscroft Ln
Moss Plantation Ave Nw
River Oaks Dr Nw
Sandy Bottom Dr Nw
Skipping Rock
Mooresville Rd
Odell School Rd
Davidson Hwy
KANNAPOLIS
Vicinity Map
Case Number: A-2023-06
Applicant: Alpesh Patel
9600 Davidson Hwy
0 340 680 1,360
US Feet
Streets
Parcels
Voluntary Annexations
City of Kannapolis
Inset Map
Cabarrus
Rowan
Boundaries (Inset)
City of Kannapolis
ETJ



N.C. GRID (NAD83/2011)

GRAPHIC SCALE
60 0 30 60 120 240
(IN FEET)
1 inch = 60 ft.

REVISIONS:	DATE

SCALE: 1" = 60'
PROJECT: 23-0190
DRAWN BY: NB
FIELD WORK IN/OUT
MAY 25, 2023
DWG: CARLSON\2023\B&T\Davidson Hwy #9600
COGO: 2023\0\Davidson Hwy #9600

LEGEND:

EIP = EXISTING IRON PIN
OIP = OLD IRON PIPE
SIP = SET IRON PIN
R/W = RIGHT OF WAY
AC = AIR CONDITIONING UNIT
PWR = POWER POLE
PM = POWER METER
PP = POWER POLE
LP = LIGHT POLE
GM = GAS METER
TELE = TELEPHONE PEDESTAL
CATV = CABLE TELEVISION
FOB = FIBER OPTIC BOX
TSB = TRAFFIC SIGNAL BOX
WM = WATER METER
FES = FLARED END SECTION
RCP = REINFORCED CONCRETE PIPE
CMP = CORRUGATED METAL PIPE
CPP = CORRUGATED PLASTIC PIPE
PVC = POLYVINYL CHLORIDE PIPE
DU = DESTINATION UNKNOWN
SDE = STORM DRAINAGE EASEMENT
SDMH = STORM DRAIN MANHOLE
CB = CATCH BASIN
YI = YARD INLET
DI = DROP INLET
SSE = SANITARY SEWER EASEMENT
SSMH = SANITARY SEWER MANHOLE
CO = SEWER CLEAN OUT
BC = BACK OF CURB
(T) = TOTAL DISTANCE
P.O.B. = POINT OF BEGINNING

LEGAL DESCRIPTION

BEGINNING at an existing rebar, being the northwest corner of the property of Brian J & Kelly J Schmidt (now or formerly) recorded in Deed Book 10078 Page 1, said rebar having North Carolina State Plane Coordinates N 621,143.13 E 1,452,329.81 (NAD83/2011, GYI:0.99984971); thence following the common line of Schmidt with a bearing of S 01°31'16" E and a distance of 390.05' to an existing rebar, being the common corner of the property of Eugen & Rosario Dietzoh (now or formerly) recorded in Deed Book 374 Page 530; thence following the common line thereof with a bearing of S 01°39'45" E and a distance of 615.36' (passing a set rebar at 564.53'and an existing pipe at 581.01') to a point at the centerline of Davidson Hwy (N.C. Hwy 73); thence following the centerline thereof with a bearing of N 80°08'28" W and a distance of 552.78' to a point; thence leaving the centerline and following the common line of the property of Big Green Tree Lawn Care Service Inc (now or formerly) recorded in Deed Book 14664 Page 2750 with a bearing of N 07°24'33" E and a distance of 780.60' (passing an existing rebar at 30.48 and a set rebar at 50.00') to an existing axle, being the common corner of the property of Wellington Chase Homeowners Association Inc (now or formerly) recorded in Deed Book 8312 Page 298 & Deed Book 9004 Page 232; thence following the common line thereof with a bearing of N 71°53'39" E and a distance of 438.60' to an existing rebar; being the point of BEGINNING, having an area of 9.785 acres, more or less, as shown on a survey by Carolina Surveyors, Inc.

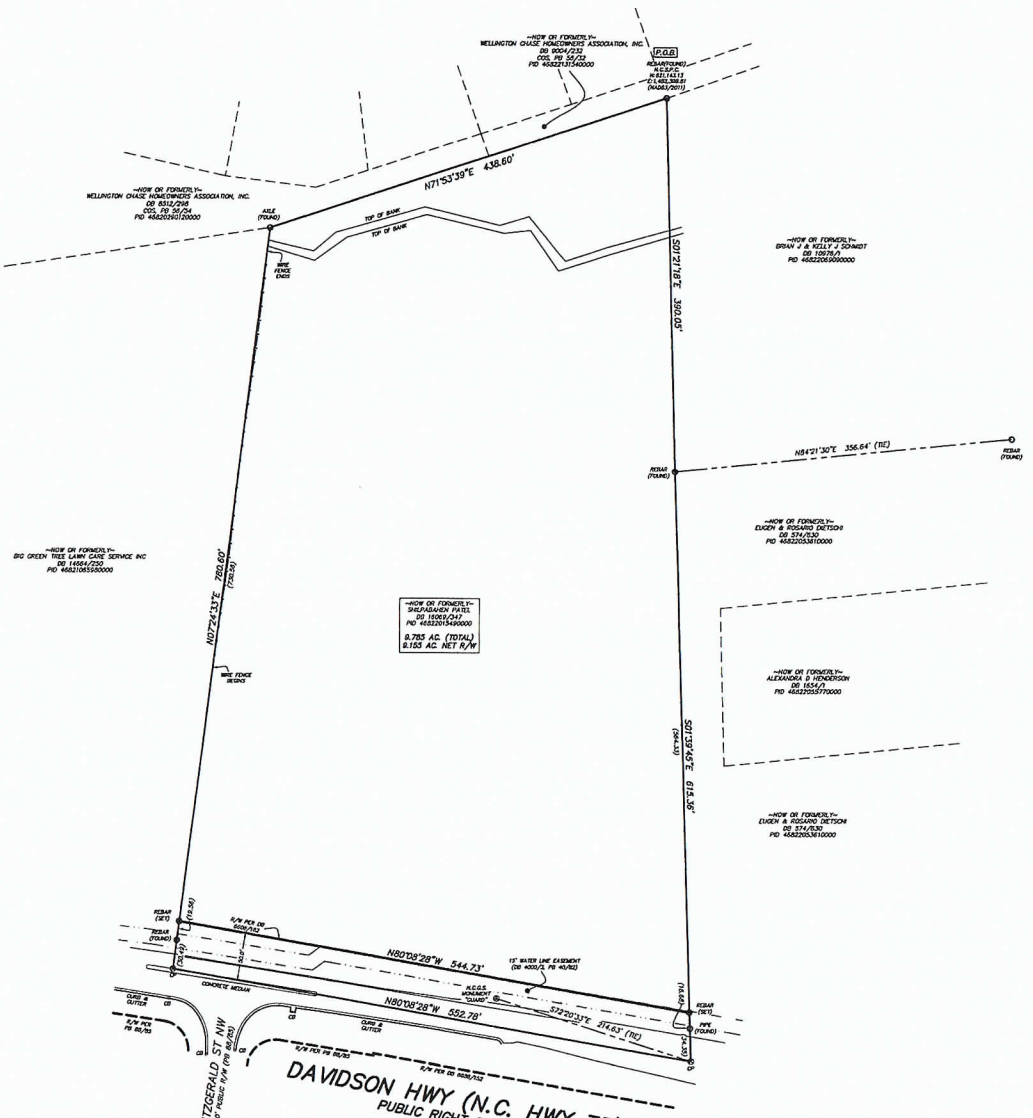
NOTES:

1. NOT ALL IMPROVEMENTS SHOWN
2. PROPERTY ZONED: OR
(SETBACKS & ZONING MATTERS ARE SUBJECT TO INTERPRETATION BY LOCAL MUNICIPALITIES)
3. TAX PARCEL NUMBER 4682201549000.
4. DEED REFERENCE: DB 16069 PG 347.
5. BOUNDARY SURVEY ONLY THROUGH POINTS AS SHOWN.
6. THIS PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION X BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), ON FLOOD INSURANCE RATE MAP (FIRM) NO. 3710456200K, WITH A DATE OF IDENTIFICATION OF 11/16/2016.
7. THIS PROPERTY MAY BE SUBJECT TO ADDITIONAL RECORDED OR UNRECORDED EASEMENTS, SETBACKS AND BUFFERS INCLUDING THOSE WITHIN THE APPLICABLE UNIFIED DEVELOPMENT ORDINANCE (UDO), RIGHTS-OF-WAY, WATERSHED AREAS & BUILT UPON AREA (BUA) RESTRICTIONS, AND/OR RESTRICTIVE COVENANTS, OTHER THAN SHOWN. SURVEY MADE WITHOUT THE BENEFIT OF A TITLE EXAMINATION.
8. AREA COMPUTED BY COORDINATE METHOD.
9. UTILITY LOCATIONS SHOWN ARE LOCATED BASED ON SITE CONDITIONS AND MARKINGS AT THE TIME OF SURVEY. CONTRACTORS ARE TO MAKE ALL UTILITIES ACCURATELY MARKED PRIOR TO CONSTRUCTION
10. OFFSITE ADJOINER LINES AND RIGHT-OF-WAY LINES SHOWN AS ELONGED ARE APPROXIMATE AND ARE FOR ILLUSTRATIVE PURPOSES ONLY.
11. LINES SHOWN REPRESENTING FENCES AND WALLS ARE MEASURED FROM THE APPROXIMATE CENTERLINE AND DO NOT ACCOUNT FOR THE THICKNESS, PLUMBNESS OR MEANDER OF THE FENCE UNLESS OTHERWISE STATED.
12. DISTANCES SHOWN ARE GROUND U.S. SURVEY FEET UNLESS OTHERWISE NOTED.

THE FOLLOWING WAS USED TO ESTABLISH N.C.S.P.C. INFORMATION:
(1) CLASS OF SURVEY: A-URBAN LAND SURVEY
(2) POSITIONAL ACCURACY: 0.05'
(3) TYPE OF GPS FIELD PROCEDURE: STATIC, ONLINE POSITION USER SERVICE
(4) DATES OF SURVEY: 5/15/2023
(5) DATUM/EPOCH: NAD 83 (2011), EPOCH 2010
(6) PUBLISHED/FIXED-CONTROL USE: CORS SITES

PID	DESIGNATION	LATITUDE	LONGITUDE	DISTANCE(m)
DU5753	HOKE LEVINGTON CORS ARP	N 34°53'53.143	W 80°01'46.503	92606.5
DM3935	NCRO ROCKINGHAM CORS ARP	N 34°57'31.987	W 79°47'47.740	100835.2
DU2836	SCNR WHITE ROSE CORS ARP	N 34°58'57.038	W 80°11'51.440	83557.1
DM3523	MCH HICKORY CORS ARP	N 35°44'31.010	W 81°11'30.934	87440.2
DU2837	SCNR WHITE ROSE CORS ARP	N 34°58'57.038	W 80°11'51.440	83557.1
DG7412	NCRO PILKTON CORS ARP	N 35°20'06.615	W 80°40'37.687	87705.9
DM4043	NCSP SPINDALE CORS ARP	N 35°21'53.524	W 81°57'57.343	114017.7
DK4047	NCHW NORTH WILKESBORO CORS ARP	N 36°09'39.375	W 81°09'37.224	107238.4

(7) GEOID MODEL: GEOID18, NAVD 88
(8) COMBINED GRID FACTOR(S): 0.99984971
(9) UNITS: U.S. SURVEY FEET



21 NCAC 56 .1604: MAP CERTIFICATION

I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (TITLE REFERENCES AS SHOWN ON PLAT); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM TITLE REFERENCES AS SHOWN ON PLAT; THAT THE RATIO OF PRECISION ON POSITIONAL ACCURACY MEETS OR EXCEEDS 1:10,000; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56. 1600).

THIS 25th DAY OF May 2023

PROFESSIONAL LAND SURVEYOR

NORTH CAROLINA PROFESSIONAL SEAL L-5218 LAND SURVEYOR NATHAN F. BAKER

SYMBOL LEGEND:

- SET MONUMENT (TYPE INDICATED)
- EXISTING MONUMENT (TYPE INDICATED)
- CALCULATED POINT
- GV GAS VALVE
- WV WATER VALVE
- MB MAIL BOX
- WM WATER METER
- WELL
- FH FIRE HYDRANT
- SSMH SANITARY SEWER MANHOLE
- SDMH STORM DRAIN MANHOLE
- TMH TELEPHONE/COMMUNICATIONS MANHOLE
- EMH ELECTRIC MANHOLE
- DECIDUOUS TREE
- EVERGREEN TREE
- LP LIGHT POLE
- PP (-O-) POWER/UTILITY POLE
- BFP BACK FLOW PREVENTOR
- GW GUY WIRE
- CB CATCH BASIN
- DI DROP INLET
- YI YARD INLET

LINETYPE LEGEND:

- BOUNDARY LINE
- TIE LINE
- RIGHT OF WAY
- APPROXIMATE RIGHT OF WAY (NOT SURVEYED)
- ADJOINING LINE (NOT SURVEYED)
- FENCE
- STORM DRAIN PIPE
- OVERHEAD ELECTRIC
- SANITARY SEWER PIPE

CAROLINA SURVEYORS, INC.
P.O. BOX 267 PINEVILLE, N.C. 28134 - 0267
THOMAS E. WHITE, NCPLS & SCPLS 704-889-7601
CERTIFICATE OF AUTHORIZATION NO: C-1193 SC:#88

A BOUNDARY SURVEY SHOWING

#9600 DAVIDSON HWY

SURVEYED FOR: ALPHESH PATEL
AREA: 9.785 AC.
TOWNSHIP 1, CABARRUS COUNTY, NORTH CAROLINA

Kannapolis

Agenda Staff Report
August 14, 2023

To: Mayor and City Council

From: Richard Smith, Planning Director

Subject: **VOLUNTARY ANNEXATION -** Resolution directing the City Clerk to investigate and Certify the Sufficiency of the Petition and Adopt a Resolution of Intent to Annex and fix date of Public Hearing of approximately 1.06 acres of non-contiguous property located at 3495 Shiloh Church Road

Action Requested by City Council

1. Motion to adopt a Resolution directing the City Clerk to investigate an Intent to Annex and Certify the Sufficiency of the Petition to Annex, and
2. Motion to adopt a Resolution of Intent to Annex and Fix Date of Public Hearing on Question of Annexation for August 28, 2023

Required Votes to Pass Required Action

Majority Present at Meeting

Background

The applicants, Emil and Monica Bec, have submitted an application for voluntary non-contiguous annexation of approximately 1.06 acres of property located at 3495 Shiloh Church Road. The property is further identified as Cabarrus County Parcel Identification Number 46726724470000. The parcel is presently located in an unincorporated area of Cabarrus County within an area designated as a future growth area for the City of Kannapolis.

Fiscal Implications

None

Policy Issues

The property is located in an unincorporated area of Cabarrus County that is currently zoned Countryside Residential (CR). This property is located within an area designated as a future growth area for the City of Kannapolis.

Legal Issues

Prior to considering the Annexation Ordinance, pursuant to NCGS Chapter 160A-58 et seq., City Council must first direct the City Clerk to investigate an Intent to Annex and to certify the sufficiency of the petition. City Council must also fix a public hearing date for consideration of the petition.

It is requested that City Council set the public hearing date for August 28, 2023. As is required by the North Carolina General Statutes, an initial zoning designation will be applied to the property by the Planning and Zoning Commission within 60 days of the effective date of the annexation.

Recommendations and Alternate Courses of Action

1. **Motion to approve** **Resolution directing the City Clerk to investigate an Intent to Annex** **under Chapter 160A-58 et seq.** **and Certify the Sufficiency of the Petition to Annex** **(Recommended)**, and;
2. **Motion to approve** **Resolution of Intent to Annex and Fix Date of Public Hearing on Question of Annexation for August 28, 2023** **on question of Annexation (Recommended).**
3. Do not approve Resolutions.
4. Table actions to future meeting.

Attachments

1. Petition for Contiguous Annexation
2. New Petition Request
3. Resolution Directing the Clerk A-2023-07
4. Certificate of Sufficiency A-2023-07
5. Resolution of Intent A-2023-07
6. Metes and Bounds Exhibit A
7. Warranty Deed pg 1 of 2
8. Warranty Deed pg 2 of 2
9. A-2023-06
10. A-2023-06-BW
11. Vicinity
12. 3495 Shiloh Church Rd. Boundary Survey

Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

KANNAPOLIS

Petition for Contiguous Annexation

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

ANNEXATION REQUEST

Approval authority – City Council.

Property Address: 3495 Shiloh Church Rd.

Applicant: EMIL BEC

Address: 119 cairo ct. City: Mooresville State: NC Zip: 28115

Contact number: 704-526-7115 Email: emil_bec@hotmail.com

SUBMITTAL CHECKLIST

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

PROCESS INFORMATION

Annexation involves two (2) separate City Council meetings:

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

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

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

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

Applicant's Signature: _____ *Date:* 8/3/23

Revised: 09/2022

Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

PETITION REQUESTING A CONTIGUOUS ANNEXATION

Approval authority – City of Kannapolis City Council

DATE: August 3, 2023

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

1. We, the undersigned owners of real property respectfully request that the area described in paragraph 2 below be annexed to the City of Kannapolis.

2. The area to be annexed, located at 3495 Shiloh Church Rd., further identified as Cabarrus County Parcel Identification Number 46726724470000, is contiguous to the primary limits of the City of Kannapolis, is approximately _____ acres, and the boundaries of such territory are as follows:

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

3. This petition is signed by all property owners of the area to be annexed.

4. ☑ The undersigned owners acknowledge that the following City service(s) is (are) not presently available for immediate taps upon annexation: water ☐ sewer ☑; and, subsequently agree that the City shall not provide water and sewer service to the area to be annexed except in accordance with the City's standard water and sewer policy.

5. Please check ONE box below:

   ☐ The undersigned owners declare that zoning vested rights have been established on the area to be annexed under G.S. 160D-108 or G.S. 160D-108.1 and provide proof of such rights by attachment hereto.

   ☑ The undersigned owners hereby declare that no such vested rights have been established and that any vested rights previously acquired are hereby terminated.

Name (print or type)	**Address**	**Signature***
1. Emil Bec	119 Cairo ct. Mooresville, NC 28115	
2. Monica R. Bec	119 Cairo Ct. Mooresville NC 28115	
3.		
4.		

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

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE AN INTENT TO ANNEX: A-2023-07

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

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

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

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

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

ADOPTED this the 14th day of August 2023.

_____
Milton D. Hinnant, Mayor
City of Kannapolis

ATTEST:

_____
Bridgette Bell, MMC, NCCMC
City Clerk

CERTIFICATE OF SUFFICIENCY
A-2023-07

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

I, Bridgette Bell, City Clerk, do hereby certify that pursuant to NCGS Chapter 160A-58 *et seq*., I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the City of Kannapolis, North Carolina, this the 14th day of August 2023.

Bridgette Bell

Bridgette Bell, MMC, NCCMC
City Clerk

CITY OF KANNAPOLIS INCORPORATED SEAL 1984 NORTH CAROLINA

RESOLUTION OF INTENT TO ANNEX AND FIX DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION: A-2023-07

WHEREAS, pursuant to N.C.G.S Chapter 160A-58 *et seq.*, the City Council may initiate annexation of real property not contiguous to the City's boundary pursuant to a Petition for Annexation by all property owners located therein by adopting a Resolution stating its intent to annex the property described.

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Laureate Center, 401 Laureate Way, Kannapolis, NC at 6:00 PM on the 28th day of August 2023.

Section 2. The area proposed for annexation is described as follows:

See attached Metes and Bounds Description

Section 3. Notice of public hearing shall be published in the Independent Tribune on August 11 and August 18, 2023

ADOPTED this the 14th day of August 2023.

_____
Milton D. Hinnant, Mayor
City of Kannapolis

ATTEST:

_____
Bridgette Bell, MMC, NCCMC
City Clerk

Exhibit A
Annexation #2023-07

BEGINNING at a set #5 Rebar with the northern line of Common Open Space The Farm at Riverpointe (DB 46/20) and the south eastern corner of what is now or formerly Frank R. Freeze (DB 396/325); thence with the eastern line or what is now or formerly Frank R. Freeze (DB 396/325) N 32-33-06 E 216.25 feet to a set #5 rebar; thence with the southern line of Krona Jean Sigmon and Michael Ray Graves (DB 3908/307) S74-45-l 9 E 28.05 feet to a computed point; thence with the southern line of Krona Jean Sigmon and Michael Ray Graves (DB 3908/307) S74-45-19 E 175.43 feet to a *#5* rebar; thence within the right of way for Shiloh Church Road S 22-52 W 210.0 feet to a *#5* rebar; thence with the northern line of Common Open Space The Farm at Riverpointe (DB 46/20) N 74- 30-00 W 176.35 feet to a computed point; thence with the northern line of Common Open Space The Farm at Riverpointe (DB 46/20) N 74-30-00 W 64.58 feet to the point and place of BEGINNING; containing 1.06 acres, more or less, all in accordance with the survey dated January 27, 2006, by Rufus Jackson Love, PLS.

Commonly known as 3495 Shiloh Church Road, Davidson, NC 28036.

15778 0159

FILED ELECTRONICALLY
CABARRUS COUNTY NC
M. WAYNE NIXON

FILED	Jan 10, 2022
AT	03:15:00 PM
BOOK	15778
START PAGE	0159
END PAGE	0160
INSTRUMENT #	01081
EXCISE TAX	$246.00

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: $246.00

Parcel Identifier No. 4672-67-2447-0000 Verified by _____ County on the ____ day of _____, 20___

By: _____

Mail/Box to: Thomas & Webber, PLLC, 514 Williamson Road, Suite 431, Mooresville, NC 28117

This instrument was prepared by: Thomas & Webber, PLLC, 514 Williamson Road, Suite 431, Mooresville, NC 28117

Title Insurance Company: North Carolina Title Center, LLC

Brief description for the Index: 0.22 acres, Shiloh Church Rd

THIS DEED made this 10th day of January, 2022, by and between

GRANTOR	GRANTEE
Roger D. Hudson and Shirley F. Hudson, husband and wife 3460 Shiloh Church Road Davidson, NC 28036	Emil Bec and Monica R. Bec, husband and wife 3495 Shiloh Church Road Davidson, NC 28036 Mailing Address: 197 Timberland Loop Mooresville, NC 28117

Enter in appropriate block for each Grantor and Grantee: name, mailing address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot, parcel of land or condominium unit situated in Cabarrus County, North Carolina and more particularly described as follows:

BEGINNING at a set #5 Rebar with the northern line of Common Open Space The Farm at Riverpointe (DB 46/20) and the south eastern corner of what is now or formerly Frank R. Freeze (DB 396/325); thence with the eastern line or what is now or formerly Frank R. Freeze (DB 396/325) N 32-33-06 E 216.25 feet to a set #5 rebar; thence with the southern line of Krona Jean Sigmon and Michael Ray Graves (DB 3908/307) S74-45-19 E 28.05 feet to a computed point; thence with the southern line of Krona Jean Sigmon and Michael Ray Graves (DB 3908/307) S74-45-19 E 175.43 feet to a #5 rebar; thence within the right of way for Shiloh Church Road S 22-52 W 210.0 feet to a #5 rebar; thence with the northern line of Common Open Space The Farm at Riverpointe (DB 46/20) N 74-30-00 W 176.35 feet to a computed point; thence with the northern line of Common Open Space The Farm at Riverpointe (DB 46/20) N 74-30-00 W 64.58 feet to the point and place of BEGINNING; containing 1.06 acres, more or less, all in accordance with the survey dated January 27, 2006, by Rufus Jackson Love, PLS.

Commonly known as 3495 Shiloh Church Road, Davidson, NC 28036.

1

Submitted electronically by "Thomas and Webber, PLLC"
in compliance with North Carolina statutes governing recordable documents
and the terms of the Memorandum of Understanding with
the Office of the Register of Deeds of Cabarrus County. NCGS 47-14(a1)(5).

The property hereinabove described was acquired by Grantor by instrument recorded in Book 7455 page 88 .

All or a portion of the property herein conveyed X includes or ____ does not include the primary residence of a Grantor.

Delinquent property taxes, if any, are to be paid by the closing attorney to the county Tax Collector upon disbursement of the closing proceeds.

A map showing the above described property is recorded in Plat Book _____ page _____.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

1. Ad valorem taxes for the current year (prorated through the date of Settlement);
2. Utility easements and unviolated covenants, conditions or restrictions that do not materially affect the value of the Property.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

Roger D Hudson (SEAL)
Roger D. Hudson

Shirley F. Hudson (SEAL)
Shirley F. Hudson

State of North Carolina - County of Iredell

I, the undersigned Notary Public of the County and State aforesaid, certify that Roger D. Hudson and Shirley F. Hudson personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 10 day of Jan, 2022.

My Commission Expires: 11/3/26

Notary Public

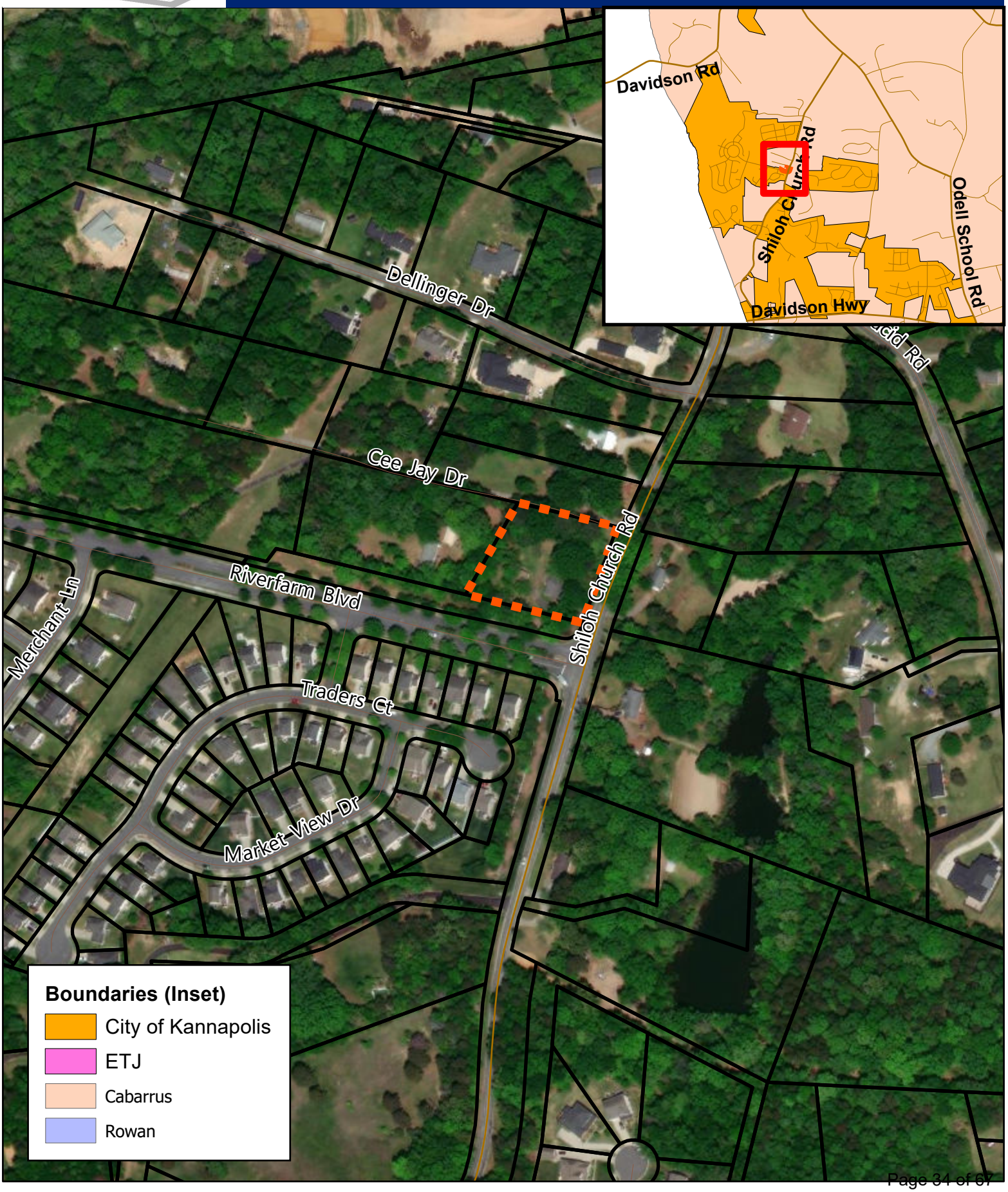
ERIN L. WEATHERMAN NOTARY PUBLIC IREDELL COUNTY NC My Commission Expires 11-03-2026

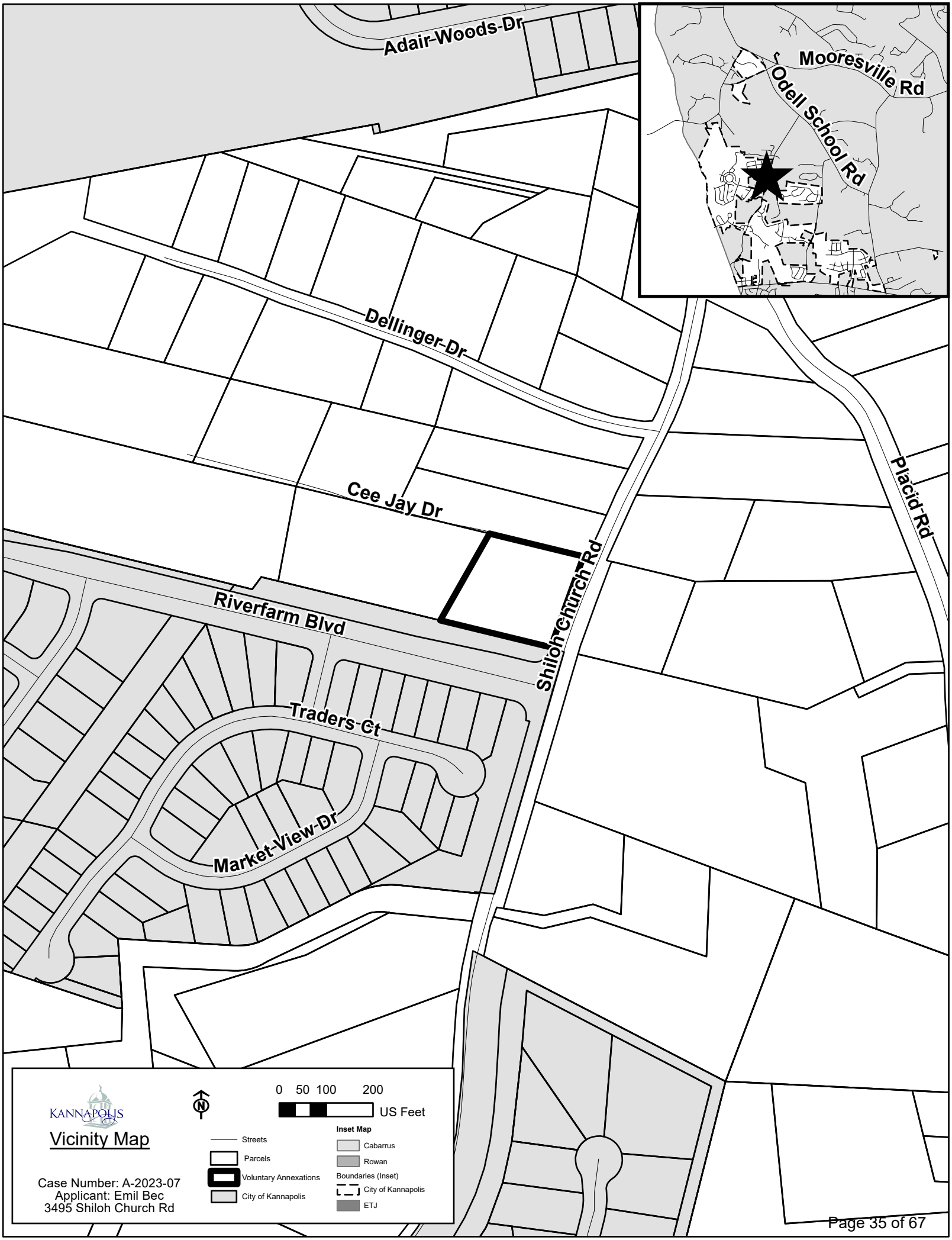
NC Bar Association Form No. 3 © 1976, Revised © 1/1/2010, 2013
Printed by Agreement with the NC Bar Association

This standard form has been approved by:
North Carolina Bar Association - NC Bar Form No. 3

Vicinity Map

Case Number: A-2023-07
Applicant: Emil Bec
3495 Shiloh Church Rd




Adair-Woods-Dr
Dellinger-Dr
Cee Jay Dr
Riverfarm Blvd
Traders-Ct
Market-View-Dr
Shiloh Church Rd
Placid Rd
Mooresville Rd
Odell School Rd
KANNAPOLIS
Vicinity Map
Case Number: A-2023-07
Applicant: Emil Bec
3495 Shiloh Church Rd
0 50 100 200
US Feet
Streets
Parcels
Voluntary Annexations
City of Kannapolis
Inset Map
Cabarrus
Rowan
Boundaries (Inset)
City of Kannapolis
ETJ

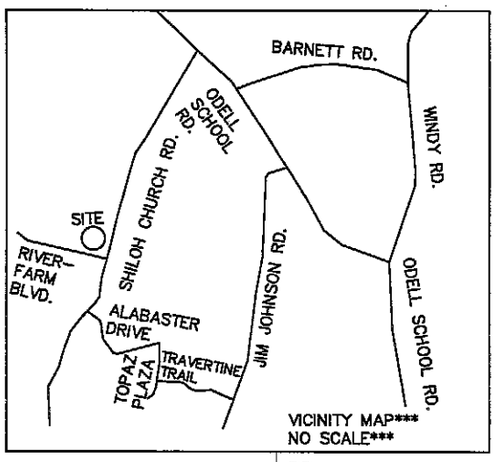
Davidson Rd
Mooresville Rd
Odell School Rd
Shiloh Church Rd
Kingsview Dr
Enclave Cir
Placid Rd
Streamside Dr
Jim Johnson Rd
Davidson Hwy
KANNAPOLIS
Vicinity Map
Case Number: A-2023-07
Applicant: Emil Bec
3495 Shiloh Church Rd
0 340 680 1,360
US Feet
Streets
Parcels
Voluntary Annexations
City of Kannapolis
Inset Map
Cabarrus
Rowan
Boundaries (Inset)
City of Kannapolis
ETJ

DAS DON ALLEN & ASSOCIATES, P. A.
"Since 1971"
Commercial * Residential * Mortgage Surveys * Multi-Family
Construction Staking * Subdivision Design * Topographical
131 Crosslake Park Drive – Suite 102 * Mooresville * NC * 28117
(704) 664-7029 (704) 664-8041 Fax

I, certify that this map was drawn under my supervision from an actual survey made under my supervision recorded in deed book 15778, page 159, and/or plat book N/A, page N/A, that the ratio of precision is 1':10,000, that this map was prepared in accordance with the General Statutes of North Carolina Chapter 89C. my hand and seal on the 27, day of APRIL, A.D. 20 22.

WILLIAM M. ALLEN, PLS

NORTH CAROLINA PROFESSIONAL SEAL L-3499 LAND SURVEYOR WILLIAM M. ALLEN



PB.15778 PG.159

MYRA F. TRULL
6583/0001

EIP
216.21'
S32°31'02"W
30' REAR
OLD PROP. LINE
IPS
(BASE BEARING) S74°30'00"E
N74°45'21"W
203.48'
C.O.S. THE FARM AT RIVERPOINTE H.O.A. 8417/0128
3495 SHILOH CHURCH RD. (1.06 AC.)
KRONA JEAN SIGMON 3908/0307
240.79'
20' SIDE
20' SIDE
50' FRONT
20' ACCESS EASEMENT PER DB.1220 PG.321
CEE JAY DRIVE (EXISTING GRAVEL DRIVE)
EIP
N22°37'32"E
209.27'
IPS
SHILOH CHURCH ROAD (60' R/W)
OVERHEAD POWER
PK NAIL
N45°28'07"W 32.20' (TIE ONLY)

LEGEND
P.P. = POWER POLE
CP = COMPUTED POINT
E.I.P. = EXISTING IRON FOUND
I.P.S. = #4 REBAR SET
R/W = RIGHT-OF-WAY

0' 25' 50' 100'
SCALE IN FEET

SCALE 1" = 50'

ACQUIRED BY: EMIL & MONICA R. BEC

BOUNDARY SURVEY

OF
3495 SHILOH CHURCH ROAD
PARCEL#: 4672672447
NO.3 TWSP., CABARRUS CO., N.C.

NOTES
1) THIS PROPERTY MAY BE SUBJECT TO ANY EASEMENTS AND/OR RIGHTS OF WAY OF RECORD.
2) ACREAGE COMPUTED BY THE COORDINATE METHOD.
3) OVERHEAD POWER
4) NO GRID MONUMENT FOUND WITHIN 2000 FEET.
5) SETBACKS SHOWN PER ZONING ZONED CABARRUS CO. CR

FIELD BOOK: N/A
FILE: SHILOH CHURCH ROAD
DC FILE:
TAX MAP NO: 4672672447

Kannapolis

Agenda Staff Report
August 14, 2023

To: Mayor and City Council

From: Bridgette Bell, City Clerk

Subject: July 10, 2023 Work Session Minutes

Action Requested by City Council

Approve Minutes

Required Votes to Pass Required Action

Majority Present at Meeting

Background

Fiscal Implications

Policy Issues

Legal Issues

Recommendations and Alternate Courses of Action

Attachments

1. 07-10-2023 Work Session Minutes

CITY OF KANNAPOLIS
CITY COUNCIL MEETING
WORK SESSION MINUTES
July 10, 2023

A regular work session meeting of the City Council of the City of Kannapolis was held on Monday, July 10, 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	
City Clerk:	Bridgette Bell	
City Attorney:	Walter M. Safrit	
Staff Present:	Richard Smith	Annette Privette Keller
	Irene Sacks	Scott Kaufhold
	Kirk Beard	Terry Spry
	David Jordan	Tony Eury
	Gary Mills	Tina Cline
	Greg Summitt	Brian Roberts
Others Present:	Bob Doty	Jayne Williams
	Sophia Wilkerson	Derek Moore

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.

APPROVAL OF AGENDA

Council Member Wilson made a motion to approve the agenda. Motion was seconded by Council

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Member Dayvault and approved by unanimous vote.

CONSENT AGENDA:

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

Amend City of Kannapolis' Personnel Policy Position Classification Plan Schedule 400.01. (Tina Cline, Human Resource Director) (Copy included as Exhibit A)

Voluntary annexation of approximately 1.058 acres of non-contiguous property located at 4401 Alder Street (Richard Smith, Planning Director) (Copy included as Exhibit B)

Budget Amendment #24-01 Reappropriating Existing Park Improvements (Kristin Jones, Assistant to the City Manager) (Copy included as Exhibit C)

Budget Amendment #24-02 Reappropriating Funds for Gem Theatre Improvements (Kristin Jones, Assistant to the City Manager) (Copy included as Exhibit D)

Budget Amendment #24-03 Appropriating Fund Balance for Insurance and Risk Fund (Kristin Jones, Assistant to the City Manager) (Copy included as Exhibit E)

Budget Amendment #24-04 Appropriating Funding for 4 Downtown Officer Positions (Kristin Jones, Assistant to the City Manager) (Copy included as Exhibit F)

Amend City of Kannapolis' Personne Policy Compensation Plan 400.02 (Tina Cline, Human Resource Director) (Copy included as Exhibit G)

BUSINESS AGENDA:

Discussion of History and Future of Local Public Transit. (Wilmer Melton, Assistant City Manager) (Copy included as Exhibit H)

The City is at a crossroads regarding the future of the local public transit system. Currently, there is no additional financial capacity earmarked for the expansion of public transit in the draft Imagine Kannapolis Strategic Plan. At the request of City Council, and for a variety of different reasons, this topic was added to the Strategic Plan "revisit list."

At the meeting several issues will be discussed: 1) historical ridership,2) operating and capital budget issues, 3) plans for consolidation of CK Rider (Concord and Kannapolis) and Cabarrus County's (on demand) Transportation System, 4) the potential for a future Transit Authority as compared to the current arrangement of a transit commission and Concord being the lead agency, 5) the 20 year local Transit Master Plan and its potential cost, and 5) regional transit issues including the potential for commuter rail via an agreement with Amtrak and the NCDOT Rail Division.

Mr. Melton shared a presentation about the status of public transit in Kannapolis and other topics that may require future action.

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Statistics about the Cabarrus County Transportation System (CCTS) and Rider Program.

Before Covid in 2019, Kannapolis had over 428,000 riders. Paratransit: 11,500 + 42.49% of passengers board in Kannapolis. Vehicles: 22 (11 buses). Facilities: Bus transfer center, administrative offices & operations/maintenance facility. Staff: 6.5 City FTEs + 55 TransDev FTEs.

<u>33 Shelter Plan:</u>
Phase I - 19 shelters to be installed FY24

- 14 in Concord and 5 in Kannapolis
- Estimated cost $470K split 50/50
- Kannapolis Share $47K
- Typical transit system has amenities at 10% of stops we are close to 30% and will be close to 40% upon project completion

Kannapolis has 11 exiting shelters with 7 more shelters planned with 5 being installed in FY24

CK Rider Budget: Kannapolis portion of operational cost funded from vehicle tax with any additional coming from General Fund. Grants are utilized heavily for operations, purchases of buses, shelters, fare, and passenger equipment, etc. Grants don't always align with budget preparation, so midyear adjustments sometimes occur Nearly 50% of the service cost is grant funded.

The CK Rider operating budget is $4,416,687, Planning $168,839, Capital Costs $2,364,580 for a total cost of $6,950,106. Kannapolis FY 24 Cost is $1,223,031.
Kannapolis Transit Breakdown Budget:

Operational Budget $1,081,835

- $606,162 in operations (35/65 split based on interlocal agreement)
- $262,500 - fuel
- $321,489 – fixed route operations
- $22, 173 – operations for CCX
- $464,118 in operations (50/50 split based on interlocal agreement)
- $11,555 in planning 5303 expense at 5%

Capital Budget $141,196

- $99,697 Fixed route contract with Transdev (35/65 split)
- $5,913 Paratransit contract with Transdev (35/65 split)
- $35,586 Capital cost related to bus enhancements, security, safety, bus and bush facilities, and facility maintenance efforts. (50/50 split)

Public transportation in Cabarrus County today has two separate disconnected systems, (Rider Transit and CCTS. They have unserved areas where some people cannot gain access to any forms

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of transportation. It utilizes two separate systems: CCTS and the Rider Transit System.

Consolidation between the two county systems was discussed to create efficiency. It would simplify transit services, give riders a better overall experience and supply employees with career advancement opportunities. The NCDOT also provides financial incentives for agencies who consolidate.

Currently Concord is the lead agency in their partnership with Kannapolis. With the need for more control growing, Mr. Melton led Council through the different governance models it can chose from when it comes to consolidation. Mr. Melton shared the pros and cons of having an independent transit authority or City operated. By the end of the year, a study will be completed to recommend which consolidated option is right for Kannapolis and how it can be funded.

Mr. Legg indicated Council will have an opportunity in the future for more discussion.

Fire Department Adaptive Response Vehicle (ARV) Program Presentation (Tracy Winecoff, Fire Chief) (Copy included as Exhibit I)

The Kannapolis Fire Department is an "all-hazards" department responding to fires, medical emergencies, auto-accidents, technical rescues, hazardous material incidents and various routine calls for service.

Demand for service has increased consistently each year placing a heavier workload on our apparatus and personnel. The department continues to seek ways in which to decrease the costs associated with the demand for service without sacrificing the quality.

Chief Tracy Winecoff spoke about the Fire Department's test run of an adaptive response vehicle program. He explained that Kannapolis has an "all-hazards" fire department that response to fires, medical emergencies, car accidents and other calls or service, This required fire engines and other costly vehicle to be sent out for what he calls "low equity calls" that don't deal with life-or-death circumstances. The department has been seeking solutions to help mitigate costs while keeping the same standard of services.

Recently, the department began using a surplus EMS ambulance to answer some of their non-emergency calls. To provide quality service levels while reducing costs, various Fire Departments implement the Adaptive Response Program, which uses performance measures and operational efficiency programs.

Current programs in place that use the Adaptive Response Vehicle Program.

- Durham, NC
- Wilmington, NC
- Memphis, TN
- Tucson, AZ
- Mesa, AZ
- Plano, TX
- Mooresville, NC

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They based the ARV program on similar initiatives that Mooresville has adopted. Mooresville has had success with the program and use a pickup truck and two guys. They do other things when there is down time, and he is proposing similar tasks such as home inspections and outreach for the department.

- The department has utilized supplemental duty staffing to provide a trial of the ARV program, using a surplus EMS ambulance.
- The trial was provided on 18 days out of a one-month period.
- Out of the calls for service on those 18 days, the ARV responded and was able to handle 28% of those calls.
- This trial allowed the fire trucks to remain available for the high-risk incidents 72% of the time.

Response Plan: The Kannapolis Fire Department proposes:

- ARV would be a smaller utility type vehicle, more fuel-efficient and less costly to maintain.
- ARV would be staffed by a Captain and an Engineer.
- Units would respond to lower-risk, lower-acuity types of incidents that make up the substantial portion of the department's workload.
- Units would also be used to aid in other non- emergency requests such as special event standbys.

Kannapolis has a 3 minute and 36 second average response time with fire truck compared to 12 to 15 minutes for Rowan County's EMS. Kannapolis averages around 11,000 calls a year, basically 60% of medical calls and 40% fire calls.

Benefits of the Adaptive Response Program:

- Instead of deploying a larger fire engine or ambulance to respond to a medical emergency, the ARV crew can respond to calls and reach a site quicker.
- Decrease the workload of existing personnel by adding supplemental response vehicles to the department's response plan, spreading the calls for service.
- Reduce wear and tear on our larger, very expensive fire units, extending their service life and increasing their availability to respond to fires and high acuity incidents.

Issues to Consider:

- A fully implemented, self-sustaining AVR program would require $280,000 cash expenditure for two AVRs and annually recurring cost of approximately $1 million (12 new positions).
- Key question: is the cost worth the benefits?
- Currently not included in the 6-year Strategic Plan funding window.
- An expanded pilot program is a possibility (limited personnel at peak hours).

Due to the high cost of implementing an ARV program, there will need to be more conversation if it would be cost efficient and worth pursuing through the long run. Chief Winecoff is flexible

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about the number of drivers and vehicles for a full pilot program, if the cost of full implementation is too much.

He also added that it could be phased in for use only during the busiest times on the weekdays, which could reduce the cost. If the trial program is approved, Staff would use the data from the trail program to determine the effectiveness and benefit to see if expansion or continuation was warranted.

Mr. Legg indicated Council will have an opportunity in the future for more discussion.

Closed Session pursuant to NCGS 143-318.11 (a) (3) to consult with an attorney in order to preserve the attorney client privilege and NCGS 143.318.11 (a) (4) for discussing matters relating to the location or expansion of industries or businesses in the area.

Mayor Pro tem Kincaid made a motion to go into Closed Session pursuant to NCGS 143-318.11 (a) (3) to consult with an attorney in order to preserve the attorney client privilege and NCGS 143.318.11 (a) (4) for discussing matters relating to the location or expansion of industries or businesses in the area. Motion was seconded by Council Member Wilson and approved by unanimous vote.

Council went into closed session at 7:20 PM.

There being no further business brought before Council, Council Member Dayvault made a motion to come out of closed session. Motion was seconded by Council Member Wilson and approved by unanimous vote.

Council resumed regular session at 7:50 PM.

There being no further business brought before Council, Council Member Dixon made a motion to adjourn. Motion was seconded by Council Member Berry and approved by unanimous vote.

The meeting adjourned at 7:50 PM on Monday, July 10, 2023.

_____
Milton D. Hinnant, Mayor

_____
Bridgette Bell, MMC, NCAMC
City Clerk

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Kannapolis

Agenda Staff Report
August 14, 2023

To: Mayor and City Council

From: Bridgette Bell, City Clerk

Subject: July 13, 2023 Continued Meeting Minutes

Action Requested by City Council

Approve Minutes

Required Votes to Pass Required Action

Majority Present at Meeting

Background

Fiscal Implications

Policy Issues

Legal Issues

Recommendations and Alternate Courses of Action

Attachments

1. 07-13-2023 Continued Meeting

CITY OF KANNAPOLIS
CITY COUNCIL MEETING MINUTES
CONTINUED MEETING FROM JULY 10, 2023
July 13, 2023

A continued meeting from July 10, 2023, meeting of the City Council of the City of Kannapolis was held on Thursday, July 13, 2023, at 4:30 PM at the Cannon Memorial YMCA, Kannapolis Branch, located at 101 YMCA Drive, 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	
City Clerk:	Bridgette Bell	
City Attorney:	Walter M. Safrit	
Staff Present:	Gary Mills	
Others Present:	Philip Belfield	Jamie Morgan
	Richard Reinholz	Debbie Owens
	Scott Krueger	

CALL TO ORDER AND WELCOME:

Mayor Hinnant reconvened the meeting continued from July 10, 2023, and welcomed all in attendance.

APPROVAL OF AGENDA:

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

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CONSENT AGENDA: Motion to adopt Consent Agenda or make revisions.

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

Bid Award-NCDOT TIP U-6098 intersection and signal improvements at I-85 and Kannapolis Parkway- Award the project to the low bidder, Sealand Contractors Corporation, in the amount of $740,542.44, contingent upon NCDOT concurrence of award, authorize the City Manager to execute the contract and approve a Budget Ordinance Amendment (Wilmer Melton, Assistant City Manager) (Copy included as Exhibit A)

BUSINESS AGENDA:

Cannon Memorial YMCA-Kannapolis Branch Presentation and Tour (Copy included as Exhibit B).

A power point presentation was given by Philip Belfield and Jamie Morgan of the Cannon Memorial YMCA.

Mr. Belfield gave some background information on history of the Kannapolis YMCA.

- Kannapolis YMCA began serving the Kannapolis community in 1908 – Now 115 years old as of 2023.
- In 1940, the Kannapolis YMCA became the first YMCA in the country to allow women, 10 years before that became the norm across the United States. First Lady Eleanor the Y in 1942, specifically because of the YMCA's service to women.
- The national volleyball YMCA champions came out of the Kannapolis YMCA. The first library in Kannapolis was inside the YMCA.
- In 1975, the Kannapolis YMCA started the first Y boys' soccer program in the country.
- In 1987, the Kannapolis YMCA opened its current location.

The Kannapolis membership has grown in the last three (3) years. From 2,616 members to 4,015 members. Contributions to the Kannapolis YMCA annual campaign for the year 2022, $223,833. Program Revenue since 2020 has increased to $223,833. Financial Assistance provided to the community at the Kannapolis YMCA in the amount of $198,818.

Capital Needs for the Kannapolis YMCA include the proposed project details:

Phase 1- $2.5 Million:

- New roof structure over pool
- Reduce depth of the pool
- Replace AAON unit and water management system.

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Phase 2-

- Relocate wellness floor to current multipurpose room.
- Convert current wellness floor to community/banquet/training/meeting space, fitness area restrooms, group exercise entry.
- Remodel Playhouse, shift administration offices, renovate kitchen.
- Renovate lobby, update restrooms, update lighting/flooring/paint throughout, update exterior of building and landscape.
- Convert current boys and girl's locker rooms into universal locker room space with Aquatics Director office.

Mr. Belfield shared the past 5 years of Activities Reports. A chart listing the 6 area YMCA's showed that Kannapolis was third in total memberships compared to West Cabarrus (3,586) ad JF Hurley (3,204).

Following general discussion and questions, Council Member Dixon made a motion to adjourn. Motion was seconded by Council Member Dayvault and approved by unanimous vote.

Council and Staff was given a tour of the Kannapolis YMCA following the adjournment.

The meeting adjourned at 6:00 PM on Thursday, July 13, 2023.

_____
Milton D. Hinnant, Mayor

_____
Bridgette Bell, MMC, NCCMC
City Clerk

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Kannapolis

Agenda Staff Report
August 14, 2023

To: Mayor and City Council

From: Bridgette Bell, City Clerk

Subject: July 24, 2023 Business Meeting Minutes

Action Requested by City Council

Approve Minutes

Required Votes to Pass Required Action

Majority Present at Meeting

Background

Fiscal Implications

Policy Issues

Legal Issues

Recommendations and Alternate Courses of Action

Attachments

1. 07-24-2023Business Meeting

CITY OF KANNAPOLIS
CITY COUNCIL MEETING
BUSINESS MEETING MINUTES
July 24, 2023

A regular business meeting of the City Council of the City of Kannapolis was held on Monday, July 24, 2023, at 6:00 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	
City Clerk:	Bridgette Bell	
City Attorney:	Walter M. Safrit	
Staff Present:	Tony Eury	Alex Anderson
	David Jordan	Terry Spry
	Richard Smith	Kirk Beard
	Gerald Faulkner	Annette Privette Keller
Others Present:	Bob Doty	Preston Mitchell
	Jack McKinley	Richard Penk
	Larry Shaheen Jr.	Grady Fisher
	Steve Smith	Jayne Williams
	Sam Moore	Linda Moore
	Derek Moore	Brad Johnson
	Brenda Farabee	Kevin Reynolds
	Steve Thomas	Linda Thomas
	Pam Smith	Craig Clinard

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Sophia Wilkerson	Heidi Brouser
Ron Haithcock	Dave Miller
Scott Shelton	

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. The Pledge of Allegiance was given by the Grandsons of Mayor Pro tem Kincaid: Cade Koshio and Kai Koshio of Boy Scout Troop #537, Lakewood, CO.

ADOPTION OF AGENDA-Motion to Adopt Agenda or make revisions.

Mayor Hinnant announced there would be no Closed Session.

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

PROCLAMATIONS:

Mayor Hinnant read a proclamation for Americans with Disabilities.

CONSENT AGENDA:

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

Motion to authorize the City's RIDER Transit Commission Members to vote to proceed with the Phase One construction and installation of bus stop amenities at 19 locations across the Rider Transit system and approve a Budget Amendment funding the City's local portion of the project. (Wilmer Melton, Assistant City Manager) (Copy included as Exhibit A)

Motion to authorize the City's Transit Commission members to approve the purchase of the ADA-Accessible Hybrid Bus Purchase and adopt a Budget Amendment to fund the City's local portion of the bus purchase. (Wilmer Melton, Assistant City Manager) (Copy included as Exhibit B)

Motion to authorize the Mayor to execute a revised Concord and Kannapolis Joint Interlocal Agreement. (Wilmer Melton, Assistant City Manager) (Copy included as Exhibit C)

Resolution amending the Kannapolis Code of Ordinances for Downtown Private Use Zones. (Richard Smith, Planning Director, Mike Legg, City Manager) (Copy included as Exhibit D)

Motion to amend the City's Personnel Policy 600.07 – Sick Leave (Tina Cline, Human

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Resource Director) (Copy included as Exhibit E)

Motion to amend City's Personnel Policy 600.08 – Vacation Leave (Tina Cline, Human Resource Director) (Copy included as Exhibit F)

Motion to authorize the City Manager to execute an extension of the federal advocacy services agreement with Strategics Consulting through June 30, 2024. (Mike Legg, City Manager) (Copy included as Exhibit G)

June 12, 2023, Continued Meeting Minutes (Bridgette Bell, City Clerk)
June 26, 2023, Business Meeting Minutes (Bridgette Bell, City Clerk)
Closed Session Minutes June 12, 2023 (Bridgette Bell, City Clerk)
Closed Session Minutes June 26, 2023 (Bridgette Bell, City Clerk)

BUSINESS AGENDA:

CASE NO. CZ-2022-08 Continue Public Hearing from May 22, 2023, Rezoning request - Trinity Church Rd and Stirewalt Rd. (Richard Smith, Planning Director) (Copy included as Exhibit H)

Mr. Smith gave background information on the history of this rezoning request. Mr. Smith stated that the applicant has an representative with a presentation. The request is to rezone property currently zoned AG and is located on Trinity Church Road and Stirewalt Road. The area is approximately 35.59+/- acres. The request is rezone from AG to R4-CZ or R2 zoning.

Previously the applicant was requesting 56 single-family detached homes, then the lot sizes were proposed to 54 lots of 85' lots widths. If rezoned R2 it is estimated 50 lots/homes. The rezoning (either R-4-CZ or R2) is consistent with the 2030 Comprehensive Plan. The site is located in the "Neighborhood Transition 1" Character Area which is consistent with the future/intended uses. It provides development suitable to area and meets density threshold of no more than 3 units per acre. The proposed residential use is compatible with surrounding zoning, not anticipated to have adverse effects on capacity or safety of adjacent road network, parking problems, or any adverse impact on the environment. Sanitary sewer service subject to allocation based on treatment capacity.

Mr. Smith shown the comparison between R2 and R4 zoning districts.

Mayor Hinnant reminded Council that the public hearing is continued from the May 22, 2023, Council meeting.

There being no questions or comments, Mayor Hinnant opened the public hearing to those in attendance for an opportunity to speak.

Preston Mitchell, AICP with Womble Bond Dickinson of 555 Fayetteville Street, Raleigh.

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Mayor Hinnant allowed the presenter five minutes. Mayor Hinnant understands that Mr. Michell has some slides to present. In a previous presentation during the public hearing, were several slides talking about the neighbors, some doing this and others doing that. Mayor Hinnant told Mr. Mitchell that Council is not interested in what the neighbors did or didn't do. We are interested in the project and if he presents any slides of neighbors, will be asked to move along. (Copy included with Exhibit H)

Mr. Mitchell stated he understood and could confirm there are none of those slides. Mr. Mitchell proceeded with his power point presentation. The petitioner maintains original request of 75' lots and 1.56 du/ac. The petitioner is offering a minimum 85' lots with a loss of ~2-3 lots with a density of ~1.5 du/ac. Mr. Mitchell pointed out three important maps from the 2030 Comprehensive Plan that are in addition to the neighborhood transition policy. 1) The tiered growth map. This property is within the primary service area and an area where provision of services is preferred. Areas where development is encouraged within the planning horizon. 2) Trinity Church Road is identified as a neighborhood corridor; 3) the future land use map identifies in less than one half mile from the center of the project site, a secondary activity center at the intersection of Kannapolis Parkway and Mooresville Road. He stated this is important as you can see on the right-hand side, this secondary activity center is less than one half mile from the project site and is an area that is intended for intensification, densification with mixed use development, retail, residential, office and the like. The current agricultural zoning encourages rural activities, open space, but from the City's UDO is an area that is a holding zone, designed to facility orderly growth and development in areas that are under transition or anticipation urbanization. Often, he said by changing the zoning to the requested district can remove uses that sometimes that may be considered as nuisance or obnoxious uses. For example, someone could walk in, based on the AG zoning today and get a permit for a livestock auction. Sometimes the rezoning itself can help elevate those situations.

The R4 General encourages and calls for development standards that are low to medium suburban style development. They contend the conditional nature of this rezoning severely restricts something that is much more compatible and consistent with the existing development in the area and what is planned to transition. The pointed out there are several lots that are proposed that exceed the minimum standard by greater than 25%.

They understand that the R2 zoning is under consideration as well as the R4-CZ zoning. He pointed out that the R4-CZ zoning as his client is proposing tonight, 85' lots, 125' depth, a minimum lot size with the wider side setback and the low density is virtually identical to the R2 zoning. Mr. Smith noted in his presentation that the conversations surrounding the septic as an alternate means of sanitary and is something they believe has already been addressed and is not tied directly to this land use decision.

Mr. Smith has already addressed the seven rezoning standards in his report to Council, but pointed out the three conditional review standards and the questions they ask. Do the

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conditions address impacts reasonably expected, can they be implemented by the developer and will they mitigate land development issues. Mr. Mitchell stated that number three asks if you are going to propose standards different than the underlying district, make sure they are better than the underlying and they believe this plan does that. Thank you, Mr. Mayor.

Brad Johnson of 150 Sojourner Lane, Stony Point, NC, is the owner of TJ Panel Systems, a manufacture onsite wastewater panel that are used in high density areas such as this. In developing a piece of property, maximum lot size is dictated by the amount of onsite wastewater product that would naturally fit on a lot. Where some of these lots are proposed, could obviously change to the way a lot is laid out. When a lot is laid out, they have a licensed scientist and environmental health specialists from the county go out and do layouts to figure out what will fit, what will not fit, and what is the appropriate system. Mr. McKinley has gone above and beyond the placement of the typical product that may go into the ground. Their product TJ Panel Systems puts out a pre-treated level of affluence so that wastewater is a much higher quality than the typical waste septic system. Their rules are dictated by the 1900 North Carolina rules which dictate the onsite wastewater rules in North Carolina. They are enforced by the counties and by NCDHHS. They have regulations in place which are decided to either go to the onsite wastewater route versus the sewer route that would limit Mr. McKinley to whatever he can fit on those lots.

He wanted to make sure Council knew that Mr. McKinley had hired his company and is using their products. Mr. Johnson proceeded to tell Council their TJ Panel Systems is one of the oldest septic systems in North Carolina with the lowest failure rate of any systems on the market. Their systems have the least number of bells and whistles which means there is no maintenance, no breakdowns and produces a TS1 level which is a high-quality strength wastewater system. When you talk about neighboring lots, chances of environmental hazards are much lower than any other septic system on the market. Thank you.

Bob Doty of 6325 Stirewalt Road thanked the Mayor and Council members for their welcomeness to hear the neighborhood and their concerns. Most have lived there a long time and very proud of the rural setting. They question the interest in taking dense development all the way to the edge of the City limits without any so-called transitional areas. There is also concern about the conditional zoning that might be granted tonight. They are concerned about who would be involved in making sure those conditions were met. The other concern, with respect to the last presenter on the panel system, he has not heard anyone yet to be able to give long range historical data on not just the panel system, which he understands is very good system and ideal under certain circumstances but concerned about the clustering of these systems. The high density of these systems in a small area. Those of are some of the neighborhood concerns.

Mr. Doty expressed thanks for taking time to come and look at the project and

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neighborhood to see how everything will fit together. They appreciate it and would appreciate Council's consideration for R2 zoning.

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

Mayor Hinnant stated that Council has a choice to either consider rezoning the property located at 6205 Stirewalt Road and 5032 Trinity Church Road to R4-CZ zoning district or R2 zoning designation.

Council Member Wilson made a motion to select Residential R-2 zoning district as the choice for Case No. CZ-2022-08. Mayor Pro tem Kincaid seconded the motion. The motion was approved by a 6-1 vote with Council Member Dixon casting the only dissenting vote.

Council Member Dayvault made a motion to approve a Resolution adopting a Statement of Consistency for property located at 6205 Stirewalt Road and 5032 Trinity Church Road. Motion was seconded by Council Member Jackson. The Motion was approved by unanimous vote.

Council Member Jackson approve the Resolution to rezone property from Agricultural (AG) zoning designation to Residential 2 (R2) zoning designation for property located at 6205 Stirewalt Road and 5032 Trinity Church Road. Motion was seconded by Council Member Wilson. The motion was approved by a 6-1 vote with Council Member Dixon casting the only dissenting vote.

PUBLIC HEARING - Project Swarm - Conduct a Public Hearing and approve a Resolution in support of an Incentive Grant for Project Swarm (Irene Sacks, Director of Economic & Community Development) (Copy included as Exhibit I)

Scott Shelton, Vice president of the Rowan County Economic Development Corporation (EDC) explained that Project Swarm is a distribution facility considering locating in Kannapolis, among other properties in the southeastern United States. This company has been in business for decades and is a household name in its industry. The total investment is $41 million, $25million in real property and $16 Million in personal property. The project will create approximately 112 new jobs over the next six years. Average wage is $60,429 annually. The company plans to being its operations in early 2025.

City staff recommends a 3-year, 75% grant for Project Swarm. The company would pay its property taxes and receive 75% of it back as a grant during the first three years. The estimated grant amount is $565,299 over the three-year period. During this timeframe, the City would retain 25% of the property taxes, or approximately $63,000 per year. After the end of the grant period, the City would retain 100% of the property taxes paid, estimated to be $248,220 in Year 4.

The Rowan County Board of Commissioners approved a 5-year tax incentive for this

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project and agreed to apply to the State of North Carolina for a OnceNC Grant Fund. The EDC is asking that the City of Kannapolis consider this tax incentive request and seek assistance from the State's OneNC Grant Fund.

Mayor Hinnant asked if the location of the project could be disclosed. Mr. Shelton responded that the project is located at the Lake Shore Corporate Park. Mayor Hinnant noted this property is the old baseball park located off Lane Street.

Council Member Jackson asked what kind of training will be offered for these jobs. Mr. Shelton responded it is their understanding that it will be a variety of about 66 warehouse workers and because it is a distribution center, about 30-42 drivers and 14 office staff management positions. There will be program training for these positions.

Mayor Hinnant opened the public hearing to those in attendance for an opportunity to speak. There being no speakers, Mayor Hinnant closed the public hearing.
Council Member Dayvault made a motion to approve a Resolution in support of an incentive grant for Project Swarm. Motion was seconded by Council Member Dixon and approved by unanimous vote.

PUBLIC HEARING - Swanee Theatre - Conduct a Public Hearing on a Lease and Option to Purchase the Swanee Theatre and approve a Resolution authorizing the City Manager to execute a lease with option to purchase. (Mike Legg, City Manager, Walter Safrit, City Attorney) (Copy included as Exhibit J)

City Manager Legg asked that this matter be tabled indefinitely due to ongoing negotiations. Council Member Jackson made a motion to continue the public hearing on a lease and option to purchase the Swanee Theater be tabled indefinitely. Motion was seconded by Council Member Wilson and approved by unanimous vote.

PUBLIC HEARING - DA (2023-01) Hawthorne Concord Lake Apartments, LLC - Conduct a Public Hearing and approve a Resolution approving the Ordinance for the execution of the Development Agreement (Walter Safrit, City Attorney, Richard Smith, Planning Director) (Copy included as Exhibit K)

Mr. Smith stated that this project for consideration for the development agreement is a 21.42 acre, proposed multi-family project located at 1758 Concord Lake Road. The development agreement with Hawthorne Concord Lake, LLC calls for the development of a 324-unit multi-family project that includes a clubhouse, pool, and maintenance facilities.

On December 12, 2021, City Council adopted a Wastewater Allocation Policy establishing a matrix and scoring system. This project is one that did meet the scoring criteria. The method of acquiring a contractual guarantee would be accomplished by a Development Agreement, a form of which is presented to City Council at its meeting for consideration, public comment, and approval.
There being no questions or comments, Mayor Hinnant opened the public hearing to those

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in attendance for an opportunity to speak. There being no speakers, Mayor Hinnant closed the public hearing.

Mayor Pro tem Kincaid made a motion to approve a Resolution adopting an Ordinance for the execution of the Development Agreement (2023-01) Hawthorne Concord Lake Apartments, LLC.
Motion was seconded by Council Member Berry and approved by unanimous vote.

PUBLIC HEARING - DA (2023-02) CP Kannapolis Investments, LLC (Loop Yard) Conduct a Public Hearing and approve a Resolution approving an Ordinance for the execution of the Development Agreement. (Walter Safrit, City Attorney, Richard Smith, Planning Director) (Copy included as Exhibit L)

Mr. Smith stated that this project for consideration for this development agreement is 161 townhome unit project on an approximately 16.4 +/- acre portion of the approximately 53 +/- acre development site. This development project is a portion of an overall proposed mixed-use development with frontage on Dale Earnhardt Boulevard and Old Earnhardt Road. The development agreement with CP Kannapolis Investments, LLC calls for the development of 161 single family attached/townhome units in Phase One of this mixed-use project. This proposed project is located within the City's existing corporate limits. Although infrastructure is in place in this area, upfits to the infrastructure will be required of the developer to accommodate this project.

There being no questions or comments, Mayor Hinnant opened the public hearing to those in attendance for an opportunity to speak.

Larry Shaheen Jr., Attorney At Law, The McIntosh Law Firm of 209 Delburg Street, Davidson represents CP Kannapolis Investments, LLC. He asked those in the audience with the McIntosh Law Firm to stand.

Mr. Shaheen noted they have been working with Kannapolis the last few months to be sure this project happens. He added a thanks to Mr. Safrit, Mr. Smith, and the rest of the Staff as “they have been really great to work with”. In terms of infrastructure issues, had a bit of a hurdle to get over, but with Staff and Council’s support was able to get there. They feel will be a fantastic project for this City and knows the development team looks forward in getting started.

Mayor Pro tem Kincaid asked the time frame of the project. Mr. Shaheen responded they are working with the City on the allocation for the second phase. Because they can get the allocation for the town homes now, can work with the City to help donate some additional infrastructure. It is their goal to get this project started as soon as construction documents are approved. The development plans to start moving dirt once the remainder of the scoring

matrix is done for the sewer allocation. The goal is to enter into a seconded phase

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development agreement.

Council Member Berry stated the map was so small and for the benefit of the audience to announce exactly where this project is located. Mr. Shaheed noted this project is located off Dale Earnhardt Blvd., across the street from the church.

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

Council Member Dayvault asked the quality of the townhomes, whether brick or do we know what the architectural will be. Mr. Smith responded they do have renderings of the project and is a mixture of the masonry and siding. It took three different renderings for Staff to be comfortable with the project.

Mayor Hinnant asked if there were two or three phases to this project and is Council is voting on phase one tonight. Mr. Smith responded there are two more phases.

Council Member Dayvault made a motion to approve a Resolution approving the Ordinance for the execution of the Development Agreement (2023-02) CP Kannapolis Investments, LLC (Loop Yard). Motion was seconded by Mayor Pro tem Kincaid and approved by unanimous vote.

PUBLIC HEARING - (A-2023-05) Voluntary Annexation - Conduct a Public Hearing on approximately 1.058 +/- acres of noncontiguous property located at 4401 Alder Street and consider a motion to extend the Corporate Limits of the City of Kannapolis. (Richard Smith, Planning Director) (Copy included as Exhibit M)

Mr. Smith explained that On July 10, 2023, City Council adopted a Resolution of Intent to annex approximately 1.058 +/- acres of property located at 4401 Alder St., authorized the Clerk to Investigate the Sufficiency of the Petition and established a public hearing date for July 24, 2023.

The property is currently located in an unincorporated area of Cabarrus County within an area designated as "Future Kannapolis Growth Area". Furthermore, properties near this property are presently located within the City's corporate jurisdiction. The property is in an unincorporated area of Cabarrus County that is currently zoned Low Density Residential (LDR). This property is located within an area designated as a future growth area for the City of Kannapolis.

Prior to considering the Annexation Ordinance, pursuant to NCGS Chapter 160A-58 et seq., City Council must first direct the City Clerk to investigate an intent to annex and to certify the sufficiency of the petition. City Council must also fix a public hearing date for consideration of the petition. At its July 10, 2023, meeting, City Council acted on both aforementioned items. Council set the public hearing date for July 24, 2023.

Council Member Dayvault asked why do they want into the City? Mr. Smith responded

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they would like City services.

Council Member Dixon asked what the proposed use is. Mr. Smith responded single-family residential.

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

Council Member Jackson made a motion to approve an Ordinance extending the corporate limits of the City by annexing approximately 1.058 +/- acres of noncontiguous property located at 4401 Alder Street. Motion was seconded by Council Member Wilson and approved by unanimous vote.

PUBLIC HEARING - CPA-2023-01 - Conduct a Public Hearing and approve a Resolution to amend the City's Move Kannapolis Forward 2030 Comprehensive Plan Future Land and Character Area Map - Kannapolis Crossing and Overlook 85 (Richard Smith, Planning Director) (Copy included as Exhibit N)

Mr. Smith explained this the area that Council just annexed back in May 2023, Kannapolis Crossing/I-85 area at Exit 65 in Rowan County. An additional 176 acres was added to the City at that time. At its June 20, 2023, Meeting, the Planning and Zoning Commission recommended for City Council to amend the "Future Land Use and Character Area Map" designation of properties adjacent to the Kannapolis Crossing Development located at Old Beatty Ford Road and Interstate 85, adding these to the "Primary Activity Center-Interchange" Character Area. These properties were recently annexed into the City.

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

Mayor Pro tem Kincaid made a motion to approve a Resolution to amend the City's Move Kannapolis Forward 2030 Comprehensive Plan Future Land and Character Area Map - Kannapolis Crossing and Overlook 85. Motion was seconded by Council Member Berry and approved by unanimous vote.

PUBLIC HEARING - CPA-2023-02 - Conduct a Public Hearing and approve a Resolution to amend the City's Move Kannapolis Forward 2030 Comprehensive Plan of Future Land Use Designation - Dale Earnhardt Blvd. (Richard Smith, Planning Director) (Copy included as Exhibit O)

Mr. Smith explained based on building inventory, market demand and high volumes of traffic, the area along Dale Earnhardt Boulevard is transitioning from single-family residential uses to a mixture of retail, office, multi-family, institutional and light manufacturing uses. In March 2018, City Council adopted the Move Kannapolis Forward

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2030 Comprehensive Plan. This plan includes a "Future Land Use and Character Map", which provides guidance for future land development in the City of Kannapolis. The Urban Corridor Character Area allows for a mixture of these uses and is therefore more fitting for the existing uses as well as the anticipated uses along this particular corridor area. This area located between Ridge Avenue out to Cannon Blvd and currently does not fit the Urban Residential as identified back in 2018.

The Planning and Zoning Commission recommends that the 2030 Comprehensive Plan Future Land Use and Character Area Map" be amended by City Council from its current designation as "Urban Residential" to "Urban Corridor" Character Area.

Mayor Hinnant asked what kind of approvals would occur if this change were made and is there anything that would be eliminated? Mr. Smith responded there would be more non-residential uses and less residential uses. A higher density would be allowed. The area of the old K-Town Warehouse is in a state of limbo. Is a nice building, but under the current Comp Plan, can't rezone the property to anything that would fit that type of structure. They are seeing more and more along that corridor.

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

Council Member Dayvault made a motion to approve a Resolution to amend the City's Move Kannapolis Forward 2030 Comprehensive Plan of Future Land Use Designation - Dale Earnhardt Blvd. Motion was seconded by Council Member Dixon and approved by unanimous vote.

PUBLIC HEARING - CPA-2023-03 - Conduct a Public Hearing and approve a Resolution to amend the City's Move Kannapolis Forward 2030 Comprehensive Plan Future Land Use Designation - Irish Glen (Richard Smith, Planning Director) (Copy included as Exhibit P)

Mr. Smith explained this area is located in the area near West C Street and Glenn Avenue. This property was previously owned by the mill, then Castle & Cooke, now is owned by Insite Properties.

Staff is recommending that the area near West C Street and Glenn Avenue be amended in the 2030 Plan and is proposing that "Urban Residential" Character Area be applied to this area. Some of the properties are currently zoned Office-Institutional (OI) and are intended to be developed under that zoning, however, the current land use and character area do not recommend OI uses. At their June 20, 2023, meeting, the Planning and Zoning Commission recommended that the 2030 Plan "Future Land Use and Character Area Map" be amended

by City Council from its current designation of "Employment Center" to "Urban

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Residential" Character Area.

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

Council Member Wilson made a motion to approve a Resolution to amend the City's Move Kannapolis Forward 2030 Comprehensive Plan Future Land Use Designation - Irish Glen. Motion was seconded by Council Member Berry and approved by unanimous vote.

PUBLIC HEARING - CPA-2023-04 - Conduct a Public Hearing and approve a Resolution to amend the City's Move Kannapolis Forward 2030 Comprehensive Plan Future Land Use Designation - Trinity Church Rd. (Richard Smith, Planning Director) (Copy included as Exhibit Q)

Mr. Smith explained that this area is in the Future Land Use and Character Area Map designation for properties located east of the intersection of Kannapolis Parkway and Trinity Church Road (specifically parcels at or near 2347, 2343, 2337, 2221, 2219 and 2215 Trinity Church Road) from "Employment Center" to the "Complete Neighborhood 2" Character Area designation.

Staff is recommending a change from "Employment Center" to "Complete Neighborhood 2" Character Area after meeting with a resident that owns multiple properties in the area of Kannapolis Parkway and Trinity Church Road regarding construction of a new single-family home. It was determined that this area is better suited for large-lot single-family residential development. All six property owners have agreed in writing to the proposed amendment.

At their June 20, 2023, meeting, the Planning and Zoning Commission recommended that the *2030 Plan* "Future Land Use and Character Area Map" be amended by City Council from its current designation of "Employment Center" to a "Complete Neighborhood 2" Character Area.

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

Council Member Jackson made a motion to approve a Resolution to amend the City's Move Kannapolis Forward 2030 Comprehensive Plan Future Land Use Designation – Trinity Church Road. Motion was seconded by Council Member Dayvault and approved by unanimous vote.

MOTION - Approve the Resolution Approving the Ordinance to Amend the

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Wastewater Allocation Policy (Richard Smith, Planning Director, Alex Anderson, Director of Water Resources (Copy included as Exhibit R)

Mr. Smith explained On December 12, 2021, City Council adopted a Wastewater Allocation Policy to "provide for the judicious allocation" of the City's limited wastewater treatment capacity. To do so, Council adopted a fair and reasonable method for strategic allocation of this resource among qualifying public and private land development interests. The allocation process is administered by issuing permits to projects which meet specified City interests and goals. In the case of private non-residential and residential permit recipients, project developers must complete a matrix to score their specific project. The allocation matrix serves as a means for the City to rate projects and determine those that may receive allocation when it becomes available.

Under the current policy, there is no distinction between residential and non-residential projects. Since the policy has been implemented for over a year and a half, it has become clear that it is more beneficial to further distinguish between residential and non-residential projects. Staff has developed a draft non-residential matrix for Council's consideration. If Council determines the necessity of this new matrix, it will be necessary to also amend the existing matrix as well as the Wastewater Allocation Policy itself. The proposed and revised matrices and policy are included as attachments to this agenda item. Staff is prepared to further explain as part of the consideration of this agenda item.

Mr. Smith further stated that most of the planned residential units in the City, it makes sense now to distinguish between residential and non-residential.

There being no questions or comments, Council Member Dayvault made a motion to approve a Resolution approving an Ordinance to amend the Wastewater Allocation Policy. Motion was seconded by Council Member Wilson and approved by unanimous vote.

CITY MANAGER REPORT: None

CITY COUNCIL COMMENTS:

Council Member Dayvault applauded Gary Mills and his Staff on the outstanding job this past weekend. There were two great concerts, a ton of people and everyone had a good time. He heard a lot of great comments.

SPEAKERS FROM THE FLOOR:

Richard Penk of 522 Courtland Ct, Kannapolis explained that he came before City Council last month regarding his drug awareness program. He had heard from Mrs. Berry suggesting leaving brochures at the Cabarrus Health Alliance, which he has done, also at the Rowan Health Alliance. He asked if there was any way possible to bring his trailer or pop-up tents to somewhere in the downtown area. He asked if there was some side street where they would be out of the way. He stated they have invested a lot of money in these trailers and pop-up tents. They have an active drug awareness program and just trying to

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get the message across. He indicated on Saturday, there are a lot of people shopping and walking downtown. He is not looking at something every week, but just want to get the message out about the evils of drugs.

Mayor Hinnant asked Mr. Legg for advice. Mr. Legg noted that either Richard Smith and/or Gary Mills' staff could look at it. The trailer would be more complicated that just setting up space. He will be happy to pass along the information to Staff.

CLOSED SESSION –NCGS 143-318.11 (a) (3) to consult with an attorney to preserve the attorney client privilege and NCGS 43.318.11 (a) (4) for discussing matters relating to the location or expansion of industries or businesses in the area.

No Closed Session was held.

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

The meeting adjourned at 6:56 PM on Monday, July 24, 2023.

_____
Milton D. Hinnant, Mayor

_____
Bridgette Bell, MMC, NCCMC
City Clerk

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Kannapolis

Agenda Staff Report
August 14, 2023

To: Mayor and City Council

From: Bridgette Bell, City Clerk

Subject: July 10, 2023 Closed Session Minutes

Action Requested by City Council

Approve Minutes

Required Votes to Pass Required Action

Majority Present at Meeting

Background

Fiscal Implications

Policy Issues

Legal Issues

Recommendations and Alternate Courses of Action

Attachments

None

Kannapolis

Agenda Staff Report
August 14, 2023

To: Mayor and City Council

From: Michael Rattler, Director of Transportation & Environmental Services, Wilmer Melton, Assistant City Manager

Subject: **PRESENTATION/DISCUSSION -** Stormwater Improvement Discussion

Action Requested by City Council

None. Presentation and discussion only.

Required Votes to Pass Required Action

Presentation Only. No Action Required

Background

As a part of the Federally mandated Phase II stormwater requirements, the City is required by the US Environmental Protection Agency (EPA) to collect and test dry weather samples from all outfalls within our Municipal Separate Storm Sewer System (MS4). The purpose is to identify any illicit discharges that have occurred and may have an impact on **water *quality***.

The vast majority of the City's current stormwater program (and the stormwater fee as the revenue stream) is dedicated to maintaining and improving the quality of the water discharged into our streams.

The City's current stormwater program d**oes not address water *quantity* (**flooding, erosion and similar impacts). The City is confronted with unique challenges relative to stormwater management as there are numerous older developments adjacent to the many streams that flow through the City. These developments were built in a time when there was little thought given to stormwater runoff - many before the City's incorporation. These historically unregulated developments have created issues with the quantity of stormwater runoff on adjacent properties.

The City's challenge is to address these issues by implementing drainage projects that capture stormwater in new piping upstream from properties that are experiencing heavy runoff. This flow can be re-directed around these downstream properties and then discharged into natural drainage outfalls. By addressing these runoff issues, the City can create opportunities for new development or re-development of properties that are currently undesirable.

In addition to providing new storm drainage systems, the City must also be diligent to address existing undersized and failing storm drains. While these systems may be adequate for the areas they capture, the development of the watersheds has converted the natural landscape into impervious areas. This conversion from woodland and grass to roof tops and asphalt decreases the amount of time stormwater takes to reach these systems and in turn increases the intensity of runoff and sediment load in the pipe systems. The City must continue to maintain existing storm drainage infrastructure and upsize the system as necessary to provide opportunities for future development.

Kannapolis maintains approximately 500 miles of storm system infrastructure in compliance with stormwater regulations. Unfortunately, there are hundreds of miles of additional stormwater channels that the City does not maintain. These stormwater channels are almost always on private property where the City has no access and no authority to maintain.

There is currently limited funding in the FY 2024 Budget to address flooding and stormwater management (outside of water quality work).

The City has been awarded a $225,000 Local Assistance for Stormwater Infrastructure Investment Grant to complete a Residential Drainage Improvements Study. This study will consist of: (1) hydraulic analysis and preliminary design; (2) stormwater system mapping; (3) capital improvement plan; and (4) stormwater assessment report.

From this study, priorities can be established based on sound engineering data. State and Federal grants will be pursued over time. Any accelerated implementation of improvements will require either a re-prioritization of other City-wide projects and initiatives or establishment of one or more new funding sources.

Fiscal Implications
None.

Policy Issues
None.

Legal Issues
None.

Recommendations and Alternate Courses of Action
None. Presentation and discussion only.

Attachments
None

Kannapolis

Agenda Staff Report
August 14, 2023

To: Mayor and City Council

From: Wilmer Melton, Assistant City Manager, Irene Sacks, Director of Economic & Community Development

Subject: **PRESENTATION/DISCUSSION -** Main Street Improvements

Action Requested by City Council
Presentation Only

Required Votes to Pass Required Action
Presentation Only. No Action Required

Background
At the June 19 City Council Work Session Meeting, Staff made a downtown parking presentation that included a concept to enhance the public spaces in front of businesses on Main Street similar to the ones located on West Avenue. The initial concept was based on feedback from the property owner and some of the businesses that moved the existing curb line to create approximately nine additional feet of area for outdoor opportunities in accordance with our policy. Based on the initial feedback from City Council, we have developed several options for further consideration. These will be presented at the meeting.

Fiscal Implications
None

Policy Issues
None

Legal Issues
None

Recommendations and Alternate Courses of Action
None

Attachments
None