



**CITY COUNCIL
BUSINESS MEETING AGENDA
KANNAPOLIS CITY HALL
401 LAUREATE WAY
KANNAPOLIS, NC
AUGUST 28, 2023 6:00 PM**

Please Turn off Cell Phones or Place on Silent Mode.

CALL TO ORDER AND WELCOME

MOMENT OF SILENT PRAYER AND PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA - Motion to Adopt Agenda or make revisions

PROCLAMATIONS

- A. National Alzheimer's Disease Awareness Month (Mayor Darrell Hinnant)

CONSENT AGENDA - Motion to Adopt Consent Agenda or make revisions

- A. **BID AWARD** - Award bid to Miles-McClellan and authorize the City Manager to execute contract and adopt a **BUDGET ORDINANCE (BA#24-08)** amending the budget related to appropriating cash reserves to fund Fire Station #1 and #4 renovations. (Kristin Jones, Assistant to the City Manager)
- B. **CAPITAL PROJECT ORDINANCE (BA#24-09)** - Adopt a Capital Project Ordinance amending the budget related to appropriating cash reserves for Clearwell Rehabilitation Project in Water and Sewer. (Kristin Jones, Assistant to the City Manager)
- C. **BUDGET ORDINANCE (BA#24-10)** - Adopt a Budget Ordinance reappropriating fFund Balance of ongoing projects and commitments. (Kristin Jones, Assistant to the City Manager)
- D. **BUDGET ORDINANCE (BA#24-11)** - Adopt a Budget Ordinance appropriating funds received from a Wal-Mart Grant for National Night Out Supplies. (Kristin Jones, Assistant to the City Manager)
- E. **BUDGET ORDINANCE (BA#24-12)**- Adopt a Budget Ordinance appropriating a grant award for Stormwater grant to be used for consultant services. (Kristin Jones, Assistant to the City Manager)
- F. **ORDINANCE** - Amending the Kannapolis Code of Ordinances (FOG) - Chapter 17, Article III, Section 17-72 (Scott Kaufhold, Director of Engineering)

- G. **RESOLUTION** - Request to Consider Withdrawal from Dedication, a Portion of the Right of Way (Unused and Undeveloped Alley) Intersecting With 1100 Pine St and set a Public Hearing date. (Michael Rattler, Director of Transportation & Environmental Services)
- H. **RESOLUTION** - Authorizing City to Enter Into Sole Source Equipment and Software Purchase Agreement with AXON Enterprises, Inc. (Walter Safrit, City Attorney)
- I. August 14, 2023 Work Session Minutes (Bridgette Bell, City Clerk)
- J. August 14, 2023 Closed Session Minutes (Bridgette Bell, City Clerk)

BUSINESS AGENDA

- A. **PUBLIC HEARING - (TA-2023-03) Text Amendment** - Legacy CD Zoning District Amendments (Richard Smith, Planning Director)
- B. **PUBLIC HEARING - (A-2023-06) Voluntary Annexation** - Conduct a Public Hearing regarding a request for voluntary annexation of approximately 9.7 acres of contiguous property located at 9600 Davidson Highway and consider a motion to extend the Corporate Limits of the City of Kannapolis (Richard Smith, Planning Director)
- C. **PUBLIC HEARING - (A-2023-07) Voluntary Annexation** - Conduct a Public Hearing regarding a request for voluntary annexation of approximately 1.06 +/- acres of non-contiguous property located at 3495 Shiloh Church Road and consider a motion to extend the Corporate Limits of the City of Kannapolis (Richard Smith, Planning Director)
- D. **PUBLIC HEARING-** Regarding the Lease of Property at 461 N. Cannon Blvd. and Authorize the City Manager to execute the lease extension. (Irene Sacks, Director of Economic & Community Development)
- E. **PUBLIC HEARING-** Regarding the Lease of Property at 473 N. Cannon Blvd. and Authorize the City Manager to execute the lease extension. (Irene Sacks, Director of Economic & Community Development)
- F. **Resolution** - Wastewater Allocation Policy - adopting Exhibit A (Richard Smith, Planning Director)
- G. **APPOINTMENT** - Appoint a Kannapolis Representative to the Rowan-Kannapolis ABC Board (Mike Legg, City Manager)

CITY MANAGER REPORT

CITY COUNCIL COMMENTS

SPEAKERS FROM THE FLOOR - If you wish to speak to City Council, please fill out a white card . Limit your comments to three (3) minutes.

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)

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 tccline@kannapolisnc.gov as soon as possible, but no later than forty-eight (48) hours before the scheduled event.



Kannapolis City Council

City Council Agenda Staff Report

August 28, 2023

To: Mayor and City Council
From: Mayor Darrell Hinnant
Subject: National Alzheimer's Disease Awareness Month

Action Requested by City Council

Required Votes to Pass Required Action

Background

Fiscal Implications

Policy Issues

Legal Issues

Recommendations and Alternate Courses of Action

Attachments

1. Alzheimer's Disease Awareness Month Sept



Office of the Mayor
KANNAPOLIS, NORTH CAROLINA
PROCLAMATION

NATIONAL ALZHEIMER'S DISEASE AWARENESS MONTH

WHEREAS, During National Alzheimer's Disease Awareness Month, we honor and support the millions of brave Americans who have been diagnosed with Alzheimer's, along with the selfless family members and caregivers who stand by their sides throughout the long course of this heartbreaking disease, and

WHEREAS, Alzheimer's disease is a serious brain disorder that causes a progressive loss of memory, a deterioration in thought and language, general debilitation, and death, and

WHEREAS, Experts are cautious but hopeful about developing treatments that can stop or delay the progression of Alzheimer's. Experts continue to better understand how the disease changes the brain. This has led to the research of potential Alzheimer's treatments that may affect the disease process, and

WHEREAS, The disease does not discriminate between red and blue. Beating it is something we can do together, in honor of the loved ones we have lost or those who are slipping away, and in support of the remarkable caregivers, doctors, researchers, and advocates who are fighting on their behalf today.

NOW, THEREFORE, I MILTON D. HINNANT, Mayor of the City of Kannapolis, North Carolina by the virtue of the authority vested in me as Mayor, do hereby proclaim September as Alzheimer's Disease Awareness Month in the City of Kannapolis and urge the citizens of Kannapolis to learn more about this disease and its impact on victims and families.



IN WITNESS WHEREOF, I have
set my hand and caused the great seal
of the City of Kannapolis to be affixed
this the 28th day of August 2023

Milton D. Hinnant



Kannapolis City Council

City Council Agenda Staff Report

August 28, 2023

To: Mayor and City Council

From: Kristin Jones, Assistant to the City Manager

Subject: **BID AWARD** - Award bid to Miles-McClellan and authorize the City Manager to execute contract and adopt a **BUDGET ORDINANCE (BA#24-08)** amending the budget related to appropriating cash reserves to fund Fire Station #1 and #4 renovations.

Action Requested by City Council

Award bid to Miles-McClellan and adopt a Budget Ordinance Amendment (BA#24-08) amending the budget related to appropriating cash reserves to fund Fire Station #1 and #4 renovations.

Required Votes to Pass Required Action

Majority Present at Meeting

Background

The FY 24 budget presented a "watch-list" of projects to be funded that emerged from the Imagine Kannapolis Strategic Plan process. Fire Stations #1 and #4 renovations were part of this watch-list. These renovations include interior and exterior work at both stations. Creech and Associates was the architectural firm hired to oversee the bid process for construction of these renovations. Bids came in as the following:

Overall bid prices are listed below for reference. There are also alternates listed on the bid sheets that the group decided to pursue (stained and sealed concrete in lieu of carpet, bay acoustical ceiling at Station 1, and tower removal at Station 4), that will be increases to these costs.

Miles-McClellan- \$2,961,000.00 (base bid) + \$47,100 in alternate bids for a total project cost = \$3,008,100.

- Ike's Construction- \$3,423,000.00
- Wharton-Smith- \$4,038,361.00
- GCL Development- \$1,183,350.00 (Only bid Station 1)

The alternate bids consisted of stain and sealed concrete flooring at both stations, bay acoustical ceiling tiles at Station #1 and the demolition and removal of the fire training tower at station #4.

Fire Station #1: Total base bid with contingency = \$1,884,750 + \$2,600 (stain and sealed concrete) + \$20,100 (bay ceiling) = total project cost: \$1,907,450

Fire Station #4: Total base bid with contingency = \$1,076,250 + \$500 (stain and sealed concrete) + \$23,900 (demo of tower)= total project cost: \$1,100,650.

This budget amendment also funds the design and construction of new signs for both fire stations to match signage at stations #2 and #3. Total cost of full renovation is estimated at \$3,079,753.

Fiscal Implications

Funding via cash reserves is recommended to fund the renovation costs of these stations.

Policy Issues

None.

Legal Issues

None.

Recommendations and Alternate Courses of Action

1. **Motion to award bid to Miles-McClellan (Recommended).**
2. **Motion to adopt a budget amendment #24-08 appropriating cash reserves to fund Fire Station #1 and #4 renovations (Recommended).**
3. Do not approve bids and corresponding Budget Amendment.
4. Table to a future meeting.

Attachments

1. BA 24-08 FS Renos
2. Kannapolis Fire Bid Tab
3. 2023-08-02 Kannapolis Fire 1 - 4 - Bid Certification

**CITY OF KANNAPOLIS, NORTH CAROLINA
FIRE STATIONS #1 AND #4 REMODELS
CAPITAL PROJECT ORDINANCE
Amendment # 24-08**

BE IT ORDAINED by the Governing Board of the City of Kannapolis, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The project authorized is for the construction costs of Fire Stations #1 and #4 renovations.

Section 2. The City Manager is hereby directed to proceed with the Capital Project in compliance with the North Carolina General Statutes and within the budget contained herein.

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

Section 4. The following amounts are appropriated for this project.

Description: This budget amendment appropriates fund balance to fund the renovations at Fire Stations #1 and #4. These projects were identified on the FY 24 budget watch-list as an immediate need that emerged from the Imagine Kannapolis Strategic Plan Process. Creech was hired as the architect and most of this funding has already taken place. Bids were due in early August and came in at the following:

- Miles-McClellan- \$2,961,000.00 (base bid) + \$47,100 in alternate bids for a total project cost = **\$3,008,100**
- Ike's Construction- \$3,423,000.00 + alternate bids
- Wharton-Smith- \$4,038,361.00 + alternate bids
- GCL Development- \$1,183,350.00 (Only bid Station 1)

The alternate bids consisted of stain and sealed concrete flooring at both stations, bay acoustical sealing tiles at Station #1 and the demolition and removal of the fire training tower at station #4.

The breakdown of the lowest bid is as follows:

- Fire Station #1: Total base bid with contingency = \$1,884,750 + \$2,600 (stain and sealed concrete) + \$20,100 (bay ceiling) = total project cost: \$1,907,450
- Fire Station #4: Total base bid with contingency = \$1,076,250 + \$500 (stain and sealed concrete) + \$23,900 (demo of tower)= total project cost: \$1,100,650.
- This budget amendment also funds the design and construction of new signs for both fire stations to match signage at stations #2 and #3.

SECTION I– GENERAL FUND

Revenues:

Increase – Appropriated Fund Balance	
Revenue: 19900-39900	\$3,079,753

Expenditure:

Increase – Transfer to Capital Projects	
Expenditure: 19000-57200	\$3,079,753

SECTION II– CAPITAL PROJECT FUND

Revenues:	Increase – Transfer from General Fund Revenue: 25590-39200	\$3,079,753
Expenditure:	Increase – Contract Engineering Expenditure: 25500-48000-FS1	\$7,806
Expenditure:	Increase – Construction: FS1 Expenditure: 25500-51915-FSI	\$1,907,450
Expenditure:	Increase – Construction: FS4 Expenditure: 25500-51915-FS4	\$1,100,650
Expenditure:	Increase – Construction: FS1 Expenditure: 25500-51915-FSI	\$33,280
Expenditure:	Increase – Construction: FS4 Expenditure: 25500-51915-FS4	\$30,567

Section 5. The Finance Officer is hereby directed to maintain within the Capital Project. Fund sufficient specific detailed accounting records to provide for accounting to the City Council as required by North Carolina law.

Section 6. The Finance Officer is directed to report quarterly on the financial status of each project element in Section 4 and on total project revenue.

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

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

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

This ordinance is approved and adopted this 28th day of August 2023.

Milton D. Hinnant, Mayor

ATTEST:

Bridgette Bell, MMC, NCCMC
City Clerk

Kannapolis Fire Stations 1 & 4 Renovations	2021-070
300 Firehouse Dr, Kannapolis & 328 Stewart St NW, Concord	
2-Aug-23	2:00 PM
Bid Opening	

#	Contractor Name	License	Bid Bond or Check	Identification of Minority	Affadavit A/B	Addenda Acknowledged			Base Bid	Alt. #1	Alt. #2	Alt. #3	Alt. # 4	Alt. # 5	Alt. # 6
						1	2	3							
1	Ike's Construction, Inc	8037	Y	Y	Y	Y	Y	Y	\$ 3,423,000	\$0	\$ 1,691	\$0	\$ 2,070	\$ 16,095	\$ 13,713
2	GCL Development (disqualified for incomplete bid)														
3	Miles McClellan Construction Company, Inc	63358	Y	Y	Y	Y	Y	Y	\$ 2,961,000	\$0	\$ 2,600	\$0	\$ 500	\$ 20,100	\$ 23,900
4	Wharton-Smith, Inc	38755	Y	Y	Y	Y	Y	Y	\$ 4,038,361	\$ (43,000)	\$ 1,700	\$ (23,000)	\$ 1,000	\$ 20,000	\$ 23,500
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August 8, 2023

Jerome Blakeney
General Services Director
City of Kannapolis
401 Laureate Way
Kannapolis, NC 28081

Re: **Architecture Recommendation for Award of Construction Contract
Kannapolis Fire Stations #1 & #4 Renovations**

Jerome,

On August 2, 2023, at 2:00 PM bids were received for a Stipulated Lump Sum Single Prime for General Construction for the Kannapolis Fire Stations #1 & #4 Renovation Project. Four (4) bids were received from a general contractor and three (3) of the bids were read out loud publicly. The Fourth Bid was non-conforming and was not read out loud. The bid form included a Total Base Bid and six (6) alternates in addition to the required backup required per the construction documents.

From the three bids, Miles McClellan Construction Company, Inc. was the apparent low bidder with the total base bid of \$2,961,000.00. In addition they were also the low bidder for the total of the base bid and alternates. Upon review of Miles McClellan Construction Company, Inc. complete bid submittal, we found no inconsistency with the contracting dollar amount. We have been informed that the City would like to accept Alternates Two (2), Four (4), Five (5), and Six (6). This will be an additional total amount of \$47,100 to the base bid total.

Miles McClellan Construction Company, Inc. bid submittal and required supporting documents appear to be complete and responsive. Therefore, based upon this information, and pending their ability to provide the required bonds, our firm makes the recommendation to City of Kannapolis for the award of a construction contract to Miles McClellan Construction Company, Inc. for the amount of \$3,008,100.00, which includes the Base Bid and total of all four (4) alternates. The supporting Bid Tabulation is attached as well as the bid form and the supporting documentation. This is over what we understand is the total City budget but Creech & Associates will work with the contractor to look at additional cost savings opportunities prior to the start of construction.

Very Truly Yours:
Creech & Associates, PLLC



Keith "Rusty" Miller, AIA, NCARB
Associate

Cc: File



Kannapolis City Council

City Council Agenda Staff Report

August 28, 2023

To: Mayor and City Council

From: Kristin Jones, Assistant to the City Manager

Subject: **CAPITAL PROJECT ORDINANCE (BA#24-09)** - Adopt a Capital Project Ordinance amending the budget related to appropriating cash reserves for Clearwell Rehabilitation Project in Water and Sewer.

Action Requested by City Council

Adopt a Capital Project Ordinance #24-09 which appropriates cash reserves in the Water and Sewer Fund to fund the Clearwell Roof Rehabilitation.

Required Votes to Pass Required Action

Majority Present at Meeting

Background

This Budget Ordinance amendment appropriates fund balance in the Water and Sewer to fund the estimated construction costs of the Clearwell rehabilitation project.

Clearwell: This project consists of replacing the existing roofing system on Clearwells #1 and #2 with a new membrane roof system, the installation of a mixing and THM removal system in Clearwell #1, new handrails around the perimeter of Clearwells #1 and #2, and associated electrical systems. The THM removal system targets a 25% removal rate at a daily flow-through of 2.0 MGD.

Fiscal Implications

An appropriation of fund balance is needed to clean up Capital Projects funds related to the Clearwell Rehabilitation project.

Policy Issues

None.

Legal Issues

None.

Recommendations and Alternate Courses of Action

1. Motion to adopt a Capital Project Ordinance #24-09 which appropriates cash reserves in the Water and Sewer Fund to fund the Clearwell Roof Rehabilitation (Recommended).
2. Do not approve the Capital Project Ordinance
3. Table to a future meeting.

Attachments

1. 24-09 CLEARWELL BA

CITY OF KANNAPOLIS, NORTH CAROLINA
CLEARWELL REHAB PROJECT
CAPITAL PROJECT ORDINANCE
Amendment # 24-09

BE IT ORDAINED by the Governing Board of the City of Kannapolis, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The project authorized is for infrastructure construction of clearwell rehab projects.

Section 2. The City Manager is hereby directed to proceed with the Capital Project in compliance with the North Carolina General Statutes and within the budget contained herein.

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

Section 4. The following amounts are appropriated for this project.

Description: Budgeting fund balance appropriated in the Water and Sewer fund to fund the estimated construction costs of the Clearwell rehabilitation project.

Clearwell: This project consists of replacing the existing roofing system on Clearwells #1 and #2 with a new membrane roof system, the installation of a mixing and THM removal system in Clearwell #1, new handrails around the perimeter of Clearwells #1 and #2 and associated electrical systems. The THM removal system targets a 25% removal rate at a daily flow-through of 2.0 MGD.

SECTION I– WATER AND SEWER FUND AND CLEARWELL

Revenues:

Increase – Fund Balance Appropriated	
Revenue: 39900-39000	\$2,732,549

Expenditure:	Increase – Transfer to Capital Project Funds	\$2,732,549
	Expenditure: 39000-57200	

Revenues:	Increase – Transfer from Capital Project Funds	
	Revenue: 34000-39220	\$585,215

Expenditure:	Increase – Capital-CIP-Clearwell	\$585,215
	Expenditure: 34000-59200-CLEAR	

Section 5. The Finance Officer is hereby directed to maintain within the Capital Project. Fund sufficient specific detailed accounting records to provide for accounting to the City Council as required by North Carolina law.

Section 6. The Finance Officer is directed to report quarterly on the financial status of each project element in Section 4 and on total project revenue.

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

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

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

This ordinance is approved and adopted this 28th day of August 2023.

Milton D. Hinnant, Mayor

ATTEST:

Bridgette Bell, MMC, NCCMC City Clerk



Kannapolis City Council

City Council Agenda Staff Report

August 28, 2023

To: Mayor and City Council

From: Kristin Jones, Assistant to the City Manager

Subject: **BUDGET ORDINANCE (BA#24-10)** - Adopt a Budget Ordinance reappropriating fFund Balance of ongoing projects and commitments.

Action Requested by City Council

Adopt a Budget Ordinance amendment which appropriates fund balance to fund projects/purchase orders and/or contracts that took place in FY 23 but were unable to be completed.

Required Votes to Pass Required Action

Majority Present at Meeting

Background

The following projects started in FY 2023 but were unable to be completed due to vendor delays and supply chain issues and therefore the funding needs to be carried forward from last fiscal year (FY 23) to this fiscal year (FY 24). The projects are grouped by department below:

City Manager:

- \$20,600 – Creech and Associates CH Shell Space Study and 2nd Floor (11100-48300)

Fire Department:

- \$933,903 - Replacement Engine- this engine was budgeted for in FY 22 and due to heavy lead times, is expected to be delivered in November 2023 (12540-59500)

Police Services:

- \$128,427 – Hosted solutions for own 911 project (12030-48000)
- \$268,116 – Remaining police vehicles that didn't come in on time (12035-59500)
- \$51,600 – Pre-construction costs for Western Cabarrus radio tower project (12030-48860)
- \$1,934 – Outstanding uniform order (12035-47100)
- \$1,557 – Outstanding public safety supply orders (12035-46400)
- \$24,840 – Motorola Solutions Communications Service (12070-46400)
- \$114,869 - Shop with a Cop (12050-46630)
- \$104,256 - Federal Asset Forfeiture (12065-46400-FEDER)
- \$71,899 - State Asset Forfeiture (12065-46400-STATE)
- \$344,403 – Axon Body worn cameras and tasers (12035- 46400)

Street Department:

- \$45,000– NCDEQ charging stations at Block 8 (will get up to \$20,000 grant funding); (13500-48000)

Engineering:

- \$533,346 - Powell Bill: Contract Resurfacing Streets (13400-48850)
- \$23,384 – AWCK Planning and Consultation Services (13000-48800)

Parks:

- \$2,322 - Train Supplies (15010-46610)
- \$171,800 -Village Park Bus (VW grant) (15010-59500)
- \$530,700 – Second train at Village Park (15010-59500)
- \$13,369 – Track switch for new train (15010-59500)
- \$5,567 – Tree removal at VP for new train storage building (15010-59500)
- \$44,930 – F150 Truck (15010-59500)
- \$1,500 – Tag and Title for F-150 (15010-59500)

Information Technology:

- \$20,700 – New laptops for water resources (11500-46200)
- \$30,942 – Downtown Surveillance Project (11500-46200)
- \$5,580 – Fire Department Tablets (11500-46200)
- \$2,764 – Webcam (11500-46200)
- \$27,899 – NorthStar Migration to the Cloud/Cloud Hosting (11500-48530)
- \$494 – Kronos – Workforce Software Usage Fee (11500-48530)
- \$11,000 – VIDA Parking Software (11500-48530-DECK)

General Services:

- \$74,130- 3 Ford Mavericks (11600-59500)
- \$62,583– Parking Gates at VIDA (11600-59500-DECK)

Non-Departmental:

- \$5,000 – CEP Acquisition Assessment (10000-51300)

Stadium:

- \$18,800 – Creech ballpark renovation study (15200-48300)
- \$251,499 – Centerfield Concessions Study (15200-59400)
- \$70,938– Remaining capital X Funding (15200-59400)

Water and Sewer Fund:

Distribution:

- \$94,204 – Vehicles – 2 Ford F-250's (36100-59500)
- \$10,484 – Tag and taxes for 2 Ford F-250's (36100-59500) 7,010 – Maintenance on meters with Mueller (36100-46300)
- \$87,464 – Materials purchases such as pvc pipes, brass, hydrant registers (36100-46850)
- \$13,107 – Repair and maintenance for lift station (36100-44600)

Water Treatment Plant:

- \$52,869 – Repair and maintenance for lift station (lakeshore, second creek, etc.) (36200-44600)
- \$20,986 – Valve and Hydrant install (36200-48000)
- \$13,308 – Water treatment plant time clock and materials purchase (36200-44400)

Stormwater Fund:

- \$96,900 – Hydroseeder equipment (40000-59500)

Fiscal Implications

This budget amendment appropriates fund balance in order to fund the following projects, purchase orders and/or contracts that took place in FY 23 but were unable to be complete due to vendor delays, supply chain issues, etc. Therefore, an appropriation of fund balance must take place for the funding to be re-appropriated (carry forward) from FY 23 to FY 24.

An appropriation of fund balance is needed across 3 funds (General, Water and Sewer and Stormwater).

Policy Issues

None.

Legal Issues

None.

Recommendations and Alternate Courses of Action

1. **Motion to adopt a Budget Ordinance amendment which appropriates fund balance to fund projects/purchase orders and/or contracts that took place in FY 23 but were unable to be completed (Recommended).**
2. Take no action.
3. Table to a future meeting.

Attachments

1. Carry over BA for FY 24

**ORDINANCE AMENDING BUDGET FOR THE
CITY OF KANNAPOLIS, NORTH CAROLINA
FOR THE FISCAL YEAR BEGINNING JULY 1, 2023,
AND ENDING JUNE 30, 2024
Amendment # 24-10**

BE IT ORDAINED by the City Council of the City of Kannapolis, North Carolina meeting in open session this 28th day of August 2023, that the following amendment to the Budget Ordinance for the City of Kannapolis, North Carolina for the Fiscal Year beginning July 1, 2023, and ending June 30, 2024, is hereby adopted:

Description: This budget amendment appropriates fund balance to fund the following projects, purchase orders and/or contracts that took place in FY 23 but were unable to be completed. Therefore, an appropriation of fund balance must take place for the funding to be re-appropriated (carry forward) from FY 23 to FY 24. The following list are the projects:

City Manager:

- \$20,600 – Creech and Associates CH Shell Space Study and 2nd Floor (11100-48300)

Fire Department:

- \$933,903 - Replacement Engine- this engine was budgeted for in FY 22 and due to heavy lead times is expected to be delivered in November 2023 (12540-59500)

Streets Department:

- \$45,000– NCDEQ charging stations at Block 8 (will get up to \$20,000 back); (13500-48000)

Engineering:

- \$533,346 - Powell Bill: Contract Resurfacing Streets (13400-48850)
- \$23,384 – AWCK Planning and Consultation Services (13000-48800)

Police Services:

- \$128,427 – Hosted solutions for own 911 project (12030-48000)
- \$268,116 – Remaining police vehicles that didn't come in on time (12035-59500)
- \$51,600 – Pre-construction costs for Western Cabarrus radio tower project (12030-48860)
- \$1,934 – Outstanding uniform order (12035-47100)
- \$1,557 – Outstanding public safety supply orders (12035-46400)
- \$24,840 – Motorola Solutions Communications Service (12070-46400)
- \$114,869 - Shop with a Cop (12050-46630)
- \$104,256 - Federal Asset Forfeiture (12065-46400-FEDER)
- \$71,899 - State Asset Forfeiture (12065-46400-STATE)
- \$344,403 – Axon Body worn cameras and tasers (12035- 46400)

Parks:

- \$2,322 - Train Supplies (15010-46610)
- \$171,800 -Village Park Bus (VW grant) (15010-59500)
- \$530,700 – Second train at Village Park (15010-59500)
- \$13,369 – Track switch for new train (15010-59500)
- \$5,567 – Tree removal at VP for new train storage building (15010-59500)
- \$44,930 – F150 Truck (15010-59500)
- \$1,500 – Tag and Title for F-150 (15010-59500)

Information Technology:

- \$20,700 – New laptops for water resources (11500-46200)
- \$30,942 – Downtown Surveillance Project (11500-46200)
- \$5,580 – Fire Department Tablets (11500-46200)
- \$2,764 – Webcam (11500-46200)
- \$27,899 – NorthStar Migration to the Cloud/Cloud Hosting (11500-48530)
- \$494 – Kronos – Workforce Software Usage Fee (11500-48530)
- \$11,000 – VIDA Parking Software (11500-48530-DECK)

General Services:

- \$74,130- 3 Ford Mavericks (11600-59500)
- \$62,583– Parking Gates at VIDA (11600-59500-DECK)

Non-Departmental:

- \$5,000 – CEP Acquisition Assessment (10000-51300)

Stadium:

- \$18,800 – Creech ballpark renovation study (15200-48300)
- \$251,499 – Centerfield Concessions Study (15200-59400)
- \$70,938– Remaining capital X Funding (15200-59400)

Water and Sewer Fund:*Distribution*

- \$94,204 – Vehicles – 2 Ford F-250's (36100-59500)
- \$10,484 – Tag and taxes for 2 Ford F-250's (36100-59500)
- \$7,010 – Maintenance on meters with Mueller (36100-46300)
- \$87,464 – Materials purchases such as pvc pipes, brass, hydrant registers (36100-46850)
- \$13,107– Repair and maintenance for lift station (36100-44600)

Water Treatment Plant:

- \$52,869 – Repair and maintenance for lift station (lakeshore, second creek, etc) (36200-44600)
- \$20,986– Valve and Hydrant install (36200-48000)
- \$13,308 – Water treatment plant time clock and materials purchase (36200-44400)

Stormwater Fund

- \$96,900 – Hydroseeder equipment (40000-59500)

SECTION I - General Fund

Revenue:	Increase: Fund Balance Appropriation Revenue: 19900-39900	\$4,018,907
Revenue:	Increase: Donations-Train Tips Revenue: 15010-37100	\$1,744
Expenditure:	Increase: City Manager: Consultants Expenditure: 11100-48300	\$20,600
Expenditure:	Increase: Fire: Emergency Services: Capital Expenditure: 12540-59500	\$933,903
Expenditure:	Increase: Streets: Contracted Services Expenditure: 13500-48000	\$45,000
Expenditure:	Increase: Powell Bill: Resurfacing Contract Expenditure: 13400-48850	\$533,346
Expenditure:	Increase: Engineering: Engineering Expenditure: 13000-48800	\$23,384
Expenditure:	Increase: Support Services: Contract Services Expenditure: 12030-48000	\$128,427
Expenditure:	Increase: Field Ops: Capital Expenditure: 12035-59500	\$268,116
Expenditure:	Increase: Support Services: Pre-Con Expenditure: 12030-48860	\$51,600

Expenditure:	Increase: Field Ops: Uniforms Expenditure: 12035-47100	\$1,934
Expenditure:	Increase: Field Ops: PSS Expenditure: 12035-46400	\$1,557
Expenditure:	Increase: Special Ops: PSS Expenditure: 12070-46400	\$24,840
Expenditure:	Increase: Police Grant: Supplies Target Kids Expenditure: 12050-46630	\$114,869
Expenditure:	Increase: Police: Asset Forfeiture Expenditure: 12065-46400-FEDER	\$104,256
Expenditure:	Increase: Police Asset Forfeiture Expenditure: 12065-46400-STATE	\$71,899
Expenditure:	Increase: Police: Field Operations: PSS Expenditure: 12035-46400	\$344,403
Expenditure:	Increase: Parks and Recreation: Train Supplies Expenditure: 15010-46610	\$2,322
Expenditure:	Increase: Parks and Recreation: Capital Expenditure: 15010-59500	\$767,866
Expenditure:	Increase: Information Technology: Small Tools Expenditure: 15010-46200	\$59,986
Expenditure:	Increase: Information Technology: Annual Maint. Expenditure: 15010-48530	\$28,393
Expenditure:	Increase: Information Technology: Annual Maint. Expenditure: 15010-48530-DECK	\$11,000

Expenditure:	Increase: General Services: Capital Expenditure: 11600-59500	\$74,130
Expenditure:	Increase: General Services: Capital: DECK Expenditure: 11600-59500-DECK	\$62,583
Expenditure:	Increase: Non-Dept: Special Expenses Expenditure: 10000-51300	\$5,000
Expenditure:	Increase: Stadium: Consultants Expenditure: 15200-48300	\$18,800
Expenditure:	Increase: Stadium: Cap X Expenditure: 15200-59400	\$322,437

SECTION II- Water and Sewer Fund

Revenue:	Increase: Fund Balance Appropriation Revenue: 39900-39900	\$299,432
Expenditure:	Increase: Distribution: Materials Expenditure: 36100-46850	\$87,464
Expenditure:	Increase: Distribution: Dues and Subs Expenditure: 36100-46300	\$7,010
Expenditure:	Increase: Distribution: Capital Machinery Expenditure: 36100-59500	\$104,688
Expenditure:	Increase: Distribution: RM Lift Station Expenditure: 36100-44600	\$13,107
Expenditure:	Increase: WTP: RM Lift Station Expenditure: 36200-44600	\$52,869
Expenditure:	Increase: WTP: Contracted Services Expenditure: 36200-48000	\$20,986

Expenditure:	Increase: WTP: RM Equipment Expenditure: 36200-44000	\$13,308
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SECTION III- Stormwater Fund

Revenue:	Increase: Fund Balance Appropriation Revenue: 49900-39900	\$96,900
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Expenditure:	Increase: Stormwater: Capital Expenditure: 40000-59500	\$96,900
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This Ordinance is approved and adopted this 28th day of August 2023.

Milton D. Hinnant, Mayor

ATTEST:

Bridgette Bell, MMC, NCCMC
City Clerk



Kannapolis City Council

City Council Agenda Staff Report

August 28, 2023

To: Mayor and City Council

From: Kristin Jones, Assistant to the City Manager

Subject: **BUDGET ORDINANCE (BA#24-11)** - Adopt a Budget Ordinance appropriating funds received from a Wal-Mart Grant for National Night Out Supplies.

Action Requested by City Council

Adopt a Budget Ordinance #24-11 which appropriates funds received from a Wal-Mart Grant for National Night Out Supplies.

Required Votes to Pass Required Action

Majority Present at Meeting

Background

The City of Kannapolis was awarded a grant from Wal-Mart to be used for National Night Out event supplies. This Budget Amendment budgets the grant revenues to be expected as well as a corresponding expense account to purchase the supplies from.

Fiscal Implications

This Budget Amendment budgets the grant revenues to be expected as well as a corresponding expense account to purchase the supplies from.

Policy Issues

None.

Legal Issues

None.

Recommendations and Alternate Courses of Action

1. **Adopt a Budget Ordinance #24-11 which appropriates funds received from a Wal-Mart Grant for National Night Out Supplies (Recommended).**
2. Do not approve Budget Ordinance.
3. Table to a future meeting.

Attachments

1. National Night Out BA FY 24

**ORDINANCE AMENDING BUDGET FOR THE
CITY OF KANNAPOLIS, NORTH CAROLINA
FOR THE FISCAL YEAR BEGINNING JULY 1, 2023
AND ENDING JUNE 30, 2024
Amendment # 24-11**

BE IT ORDAINED by the City Council of the City of Kannapolis, North Carolina meeting in open session this 28th day of August 2023, that the following amendment to the Budget Ordinance for the City of Kannapolis, North Carolina for the Fiscal Year beginning July 1, 2023, and ending June 30, 2024, is hereby adopted:

Description: Budgeting the revenues received from a Wal-Mart grant for National Night Out so supplies (expenses) can be purchased in the future and stay earmarked for the program.

SECTION I– GENERAL FUND

Revenues:

Increase – Private Grants	
Revenue: 10000-34800	\$1,000

Expenditure:

Increase – Grant Expenses	\$1,000
Expenditure: 11100-51315	

This ordinance is approved and adopted this 28th day of August 2023.

Milton D. Hinnant, Mayor

ATTEST:

Bridgette Bell, MMC, NCCMC
City Clerk



Kannapolis City Council

City Council Agenda Staff Report

August 28, 2023

To: Mayor and City Council

From: Kristin Jones, Assistant to the City Manager

Subject: **BUDGET ORDINANCE (BA#24-12)**- Adopt a Budget Ordinance appropriating a grant award for Stormwater grant to be used for consultant services.

Action Requested by City Council

Motion to adopt a Budget Ordinance appropriating a grant award for Stormwater grant to be used for consultant services.

Required Votes to Pass Required Action

Majority Present at Meeting

Background

The City of Kannapolis was awarded a \$225,000 grant as part of the Local Assistance for Stormwater Infrastructure Investments (LASII) grant from the American Rescue Plan Act (ARPA). The following summarizes the preliminary project scope and schedule for each major task. The City will investigate and evaluate existing components of the stormwater system in select areas of the City. There are residential areas in the City that are prone to flooding during storms due to either inadequate stormwater infrastructure or a lack of stormwater infrastructure. The flooding that occurs in these areas directly impacts the residents of the City by flooding the streets and preventing safe travel, as well as risking flood damage to houses. The proposed study will assist the City in addressing the issue by allowing for the areas that regularly flood to be hydraulically and hydrologically modeled. By modeling the existing areas of the system, Kannapolis will be able to identify the deficiencies and develop solutions to mitigate the impacts of storm events in the future. In addition to the modeling, another result of the study will be a complete operation and maintenance plan that will supplement the City's existing stormwater management plan.

No match is required. This grant is reimbursement based.

Fiscal Implications

This Budget Ordinance appropriates funding for a Stormwater Grant as the revenue to be used towards consultant services.

Policy Issues

None.

Legal Issues

None.

Recommendations and Alternate Courses of Action

1. **Motion to adopt a Budget Ordinance appropriating a Grant Award for Stormwater to be used for consultant services. (Recommended)**
2. Do not approve.
3. Table to a future meeting.

Attachments

1. BA #24-12 Storm Water Grant
2. Proj. No SRP-SW-ARP-0075 Kannapolis LASII Preliminary Project Scope & Schedule
3. 107651_20230323_Kannapolis_SRP-SW-ARP-0075

**ORDINANCE AMENDING BUDGET FOR THE
CITY OF KANNAPOLIS, NORTH CAROLINA
FOR THE FISCAL YEAR BEGINNING
JULY 1, 2023 AND ENDING JUNE 30, 2024
Amendment # 24-12**

BE IT ORDAINED by the City Council of the City of Kannapolis, North Carolina meeting in open session this 28th day of August 2023, that the following amendment to the Budget Ordinance for the City of Kannapolis, North Carolina for the Fiscal Year beginning July 1, 2023, and ending June 30, 2024, is hereby adopted:

Description: The City of Kannapolis was awarded a \$225,000 grant as part of the Local Assistance for Stormwater Infrastructure Investments (LASII) grant from the American Rescue Plan Act (ARPA). The following summarizes the preliminary project scope and schedule for each major task.

The City will investigate and evaluate existing components of the stormwater system in select areas of the City. There are residential areas in the City that are prone to flooding during storms due to either inadequate stormwater infrastructure or a lack of stormwater infrastructure. The flooding that occurs in these areas directly impacts the residents of the City by flooding the streets and preventing safe travel, as well as risking flood damage to houses. The proposed study will assist the City in addressing the issue by allowing for the areas that regularly flood to be hydraulically and hydrologically modeled. By modeling the existing areas of the system, Kannapolis will be able to identify the deficiencies and develop solutions to mitigate the impacts of storm events in the future. In addition to the modeling, another result of the study will be a complete operation and maintenance plan that will supplement the City's existing stormwater management plan.

No match is required. This grant is reimbursement based.

SECTION I– STORMWATER FUND

Revenues:

Increase – Stormwater Grant	
Revenue: 40000-34000	\$225,000

Expenditure:

Increase – Consultants	\$225,000
Expenditure: 40000-48300	

This Ordinance is approved and adopted this 28th day of August 2023.

Milton D. Hinnant, Mayor

ATTEST:

Bridgette Bell, MMC, NCCMC
City Clerk



KANNAPOLIS

Kannapolis Residential Drainage Improvements Study

LASII Planning Grant

Project No.: SRP-SW-ARP-0075

Preliminary Project Scope, Cost Estimate, and Schedule for Each Major Task

The City of Kannapolis was awarded a \$225,000 grant as part of the Local Assistance for Stormwater Infrastructure Investments (LASII) grant from the American Rescue Plan Act (ARPA). The following summarizes the preliminary project scope and schedule for each major task.

The City will investigate and evaluate existing components of the stormwater system in select areas of the City. There are residential areas in the City that are prone to flooding during storms due to either inadequate stormwater infrastructure or a lack of stormwater infrastructure. The flooding that occurs in these areas directly impacts the residents of the City by flooding the streets and preventing safe travel, as well as risking flood damage to houses. The proposed study will assist the City in addressing the issue by allowing for the areas that regularly flood to be hydraulically and hydrologically modeled. By modeling the existing areas of the system, Kannapolis will be able to identify the deficiencies and develop solutions to mitigate the impacts of storm events in the future. In addition to the modeling, another result of the study will be a complete operation and maintenance plan that will supplement the City's existing stormwater management plan.

Schedule

1. 2023

- **May:** Advertise RFQ
- **June-July:** Consultant Selection, contracting
- **August:** Project kick-off: initial meeting with consultant, scheduling, strategizing tasks and deliverables.
- **August-December:** Preliminary site investigations and survey.

2. 2024

- **January-September:** H&H Modeling & Conceptual Improvements
- **October-December:** Capital Improvement Plan development

3. 2025

- **January-March:** Stormwater Assessment Report
- **April-June:** Update Stormwater Management Plan
- **July:** Present Findings to Council

- **August-October:** Collecting final reimbursement paperwork and relevant documentation, reporting to the State, and applying for final reimbursements.
- **November:** Project Close-Out

Task 1 - Stormwater System Mapping

The Consultant will locate and assess the condition of facilities, drainage infrastructure, and outfalls within the study area and as prioritized by the City of Kannapolis.

- Structures will be assessed in the field by pulling lids and obtaining invert measurements to populate the GIS attribute table. In addition, the Consultant will verify pipe connectivity and identify possible visible issues that require immediate attention by the City.
- The Consultant will verify and collect attribute information for pipe diameter, pipe material, inverts, type, and overall structure condition visible from outside the structure.
- The Consultant will take approach photos of the inventoried structures and an inside photo using a 360-degree panoramic camera when accessible. These photos will be embedded in the GIS Data.
- At the conclusion of the field GPS location and data attribution tasks, the data will be integrated with the existing GIS database to represent the newly collected information. This will include a QA/QC review by staff, and field crews will revisit any areas identified from the QA/QC process that are flagged.

Task 2 - Hydraulic Analysis and Preliminary Designs

The Consultant will prepare an existing conditions hydrologic and hydraulic (H&H) model of each of the three priority neighborhoods. This H&H model will be used to evaluate capacity of existing stormwater facilities and infrastructure and will be used as the basis to identify conceptual projects for the Capital Improvement Plan.

The Consultant will provide the following services as part of this task:

- Prepare detailed existing conditions hydrologic and hydraulic model using Storm Water Management Model (SWMM) software from the United States Environmental Protection Agency (EPA).
- Utilize publicly available data such as LiDAR, SSURGO soils, orthoimagery, building layers.
- Utilize field survey data as provided in Task 1.
- Calculate and parameterize hydrologic values of subcatchments in GIS including:
 - Drainage basin boundaries.
 - Drainage basin area and slope.
 - SSURGO soil parameters.
 - Impervious areas and land cover characteristics.
 - Watershed shape and flow-paths.
- Utilize NOAA Atlas 14 rainfall depths for the 2-, 10-, 25-, 50-, and 100-yr storm events.
- Develop hydraulic network for system drainage features in GIS including:
 - Link-Node schematic of storm drain inventory structures, pipes, ditches, open channels, culverts, and overland flow.
 - Define stage-storage elevation curves for storage nodes.

- Characterize open and irregular channel geometry.
- Define outfall locations and boundary conditions.
- Provide limited calibration of the existing conditions model using best available information for example: historic rainfall, post-storm aerial orthoimagery, high-water marks, and citizen feedback.
- Prepare existing conditions inundation depth maps depicting extents and depth of flooding for each modeled storm event.
- Discuss results of each neighborhood analysis with the City.

After completing existing modeling, Consultant will prepare conceptual project improvements for each proposed neighborhood area. These options will focus on flood risk reduction, replacing aging/failing infrastructure, green stormwater devices, water quality improvements, and nature-based solutions.

These concepts shall include the following:

- Revise existing conditions model with conceptual improvements.
- Prepare schematic level exhibits of the proposed improvements.
- Prepare planning level engineer's construction and permitting cost opinions with line items for each conceptual project.
- Prepare proposed conditions inundation depth maps depicting extents and depth of flooding for each modeled storm event.
- Conceptual stormwater improvements and cost opinions will be provided to the City for one review cycle before proceeding with the development of the Stormwater Master Plan.

Task 3 - Capital Improvement Plan

Consultant shall prepare and update a 10-year capital improvement plan (CIP) from information gathered and analyzed in previous tasks. CIP projects will include:

- Prioritization of projects according to impact, effectiveness, and equity.
- Maintenance plan based on the age and condition of the stormwater infrastructure.
- Engineering and cost estimates of improvements.
- Assessment of financial needs and preliminary cost estimates for repairs, replacements, and capital improvement projects.
- Draft Comprehensive Stormwater Masterplan of 10 years from the projected adoption of the plan.

Task 4 - Stormwater Assessment Report

Consultant shall prepare a comprehensive report detailing the methodology, findings, and recommendations into a stormwater assessment report. Consultant will prepare a document that will contain the following information developed as part of the above tasks:

- Summary of hydrologic and hydraulic methodologies and flood modeling results.
- Summary of potential flooding issues identified with exhibits illustrating flooding locations.
- Conceptual stormwater improvement options for areas of concern to include:
 - Summary of identified issues and potential solutions.

- Rough lump sum order of magnitude cost opinion for purpose of planning and prioritization.
- Concept level drawings of proposed improvements.
- Itemized order of magnitude cost opinions.
- Meet with the City to review draft master plan.
- Revise draft report to incorporate comments from the City.
- Finalize stormwater master plan report.

Task 5 - Update to Stormwater Management Report

The City of Kannapolis has a developed Stormwater Management Plan (SWMP) that is revised yearly. The purpose of the SWMP is to establish and define how the City of Kannapolis complies with its NPDES MS4 permit and the applicable provisions of the Clean Water Act to meet the federal standard of reducing pollutants in stormwater runoff. Another aspect of the SWMP is an operation and maintenance plan that Kannapolis Public Works Employees follow. The SWMP addresses the following items: 1. Inspection requirements for stormwater infrastructure system components, 2. Frequency of inspections including requirements for additional inspections following major storm events, 3. Timeline for scheduling and completing repairs that are needed to return stormwater infrastructure to its full function, 4. A log of completed repairs, 5. Description of basic maintenance requirements and activities such as inlet/outlet cleaning, sediment and debris removal, weeding, mulching, trimming of shrubs and trees, and 6. Schedules for routine and emergency maintenance. The SWMP highlights the measurable goals for program implementation, which include schedules for maintenance and inspection.

At the conclusion of the above tasks, Consultant shall incorporate findings and recommendations into the Stormwater Management Plan.

Budget

Task No.	Task Name	Fee
1	Stormwater System Mapping	\$50,000
2	Hydraulic Analysis and Preliminary Designs	\$120,000
3	Capital Improvement Plan	\$15,000
4	Stormwater Assessment Report	\$25,000
5	Update to Stormwater Management Plan	\$15,000
TOTAL		\$225,000

ROY COOPER

Governor

ELIZABETH S. BISER

Secretary

SHADI ESKAF

Director



NORTH CAROLINA
Environmental Quality

March 23, 2023

Mr. Michael B. Legg, City Manager
City of Kannapolis
401 Laureate Way
Kannapolis, NC 28081

Subject: Stormwater Planning Grant Letter of Intent to
Fund
City of Kannapolis
Residential Drainage Improvements Study
September 2022 Application Cycle
Project No.: SRP-SW-ARP-0075

Dear Mr. Legg:

The Division of Water Infrastructure (Division) has reviewed your application for a Stormwater Planning Grant, and the State Water Infrastructure Authority (SWIA) has approved your project as eligible to receive a grant. The Local Assistance for Stormwater Infrastructure Investments (LASII) grant from the American Rescue Plan Act (ARPA) will be one hundred percent of eligible project costs up to a maximum of \$225,000. Projects funded from ARPA must meet applicable federal law and guidance for the ARPA funds.

The first milestone is the submittal of a preliminary project scope that includes a cost estimate and schedule for each major task by June 1, 2023. Please email this to Jason Robinson at jason.t.robinson@ncdenr.gov. Upon review of this information, we will issue the grant agreement and information package for your signature and approval.

All costs incurred prior to March 3, 2021, are not eligible for ARPA funds and the Division will make no reimbursements for ARPA funds after December 31, 2026.

Please note that work conducted prior to the receipt of the grant offer may later be determined to be ineligible, so please contact us if you desire to proceed before receipt of the grant offer. Some items included in the application may not be eligible for funding.

Upon detailed review of the project during the funding process, it may be determined that portions of your project are not eligible for funding.



North Carolina Department of Environmental Quality | Division of Water Infrastructure
512 N. Salisbury Street | 1633 Mail Service Center | Raleigh, North Carolina 27699-1633
919.707.9160

Engineering Services Procurement

The Uniform Guidance 2 CFR 200.317 through 2 CFR 200.327 gives minimum requirements for procurement, with 2 CFR 200.319(b) addressing engineering services procurement guidelines. ARP-funded projects must also adhere to North Carolina State law, specifically NC General Statute 143-64.31, Article 3D Procurement of Architectural, Engineering, and Surveying (A/E) Services. NCGS 143-64.32 cannot be used to exempt Recipients from a qualification-based selection for A/E. The State provides applicable certification forms that must be completed prior to receiving funds for any engineering services covered under this funding offer.

Upon receipt of your letter of intent to fund, please fill out the attached Federal ID & Unique Entity ID (UEI) form and email it to Pam Whitley at pam.whitley@ncdenr.gov. If you choose to decline this funding, the Authorized Representative as declared in the application must directly contact the Division project manager via email or letter on the applicant's letterhead.

We look forward to working with you on this project. If you have any questions, please contact Jason Robinson at jason.t.robinson@ncdenr.gov or by phone at (919) 707-3887.

Sincerely,



Jon Risgaard, Chief
State Revolving Fund Section

EC: Zachary Bennett, EI, LKC Engineering, PLLC (via email)
Jason Robinson (via email)
LASII Project File (COM_LOIF)



Kannapolis City Council

City Council Agenda Staff Report

August 28, 2023

To: Mayor and City Council
From: Scott Kaufhold, Director of Engineering
Subject: **ORDINANCE** - Amending the Kannapolis Code of Ordinances (FOG) - Chapter 17, Article III, Section 17-72

Action Requested by City Council

RESOLUTION - Approve a Resolution amending Chapter 17, Article III, Section 17-72 of the City of Kannapolis Code of Ordinances.

Required Votes to Pass Required Action

Majority Present at Meeting

Background

Due to changes in industry standards regarding the collection and management of Fats, Oils, and Grease, staff is proposing amendments to *Chapter 17, Article III, Section 17-72. – Fats, oils, grease, and medical waste control program*. The intent is to allow greater flexibility and ease of management of the program, as well as increase the number of facilities in compliance with the requirements of the program.

Fiscal Implications

None

Policy Issues

City Council's approval is required to modify the City Code of Ordinances.

Legal Issues

None

Recommendations and Alternate Courses of Action

1. **Motion to approve the Resolution amending Chapter 17, Article III, Section 17-72 of the City of Kannapolis Code of Ordinances (Recommended).**
2. Take no action.
3. Table to future meeting.

Attachments

1. Resolution - Amending Code of Ordinance Chapter 17
2. Blacklined- Ordinance Amending Sec. 17-72 Fats, Oils, Grease Medical Waste Control Program (1)
3. Sec._17_72.___Fats___oils___grease_and_medical_waste_control_program (Final Redline) (3)

**CITY OF KANNAPOLIS
RESOLUTION**

WHEREAS, the City Council for the City of Kannapolis desires to amend the Code of Ordinances to provide clarification of various services provided by the City to residents.

NOW, THEREFORE BE IT RESOLVED that the Ordinance Amending Chapter 17, Article III, Section 17-72 “Fats, oils, grease and medical waste control program” attached hereto and incorporated herein is hereby approved and adopted.

Effective this the 28th day of August, 2023.

Milton D. Hinnant
Mayor

ATTEST:

Bridgette Bell, MMC, NCCMC
City Clerk

CITY OF KANNAPOLIS ORDINANCE

BE IT ORDAINED by the City Council for the City of Kannapolis, that the City Code of Ordinances is hereby amended as follows:

Section 1: Kannapolis City Code Section 17-72 is hereby rewritten as follows:

Sec. 17-72. Fats, oils, grease, and medical waste control program.

- (a) *Scope and purpose.* The objective of this program is to aid in preventing the introduction and accumulation of fats, oils, and greases and/or medical waste into the municipal wastewater system, which will or tend to cause or contribute to sanitary sewer blockages and obstructions. Food service establishments and other industrial or commercial establishments generating wastewater containing fats, oils, or greases and/or medical waste are subject to this program. This program, regulates such users by requiring that grease separation devices be installed, implemented, and maintained in accordance with the provisions hereof. It shall be the City of Kannapolis's responsibility to monitor and enforce compliance with this program in an effort to prevent the introduction of excessive fats, oils, and grease and/or medical waste into the system.
- (b) *Definitions.* Unless the context specifically indicates otherwise, the meaning and terms used in this section shall be as follows:

Commercial establishment shall mean any location where a person manufactures, packages, prepares, provides, serves, or makes available any meals, or food for sale, for monetary compensation, or for non-monetary consideration.

Fats, oils, and greases shall mean an organic polar compound derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, subject to amendments. Also including any sludge, screening, or other residues from the pretreatment of FOG containing wastewater or non-pretreated wastewater. All compounds are sometimes referred to herein as "grease", "greases", or "FOG."

Food service establishments (FSE) shall mean those establishments primarily engaged in activities of preparing, serving, or otherwise making available for consumption foodstuffs and that use one (1) or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching. Also included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing.

Grease Separation Device (GSD) shall mean a device for separating and retaining waterborne greases and grease complexes prior to the wastewater exiting the device and entering the sanitary sewer collection and treatment system. These devices also serve to collect solids that settle, generated by and from food preparation activities, prior to the wastewater exiting the device and entering the sanitary sewer collection and treatment system. Grease separation devices may be referred to herein as "grease traps" and "grease interceptors."

Medical waste shall mean any material to include but not limited to isolation wastes, infectious agents, human blood and blood products, animal blood and blood products, pathological wastes, sharps (medical term for devices with sharp points or edges that can puncture or cut skin), human body parts, animal parts, contaminated bedding, contaminated cloth, surgical wastes, and potentially contaminated laboratory wastes (all types to include human, animal, organic or inorganic).

Minimum design capability shall mean the design features of a GSD and its required capacity to effectively intercept and retain greases from grease-laden wastewater discharged to the public sanitary sewer.

Non-cooking establishments shall mean those establishments primarily engaged in the preparation of precooked foodstuffs that do not include any form of cooking. These include, but are not limited to, cold dairy and frozen foodstuffs preparation and serving establishments.

Oil shall mean any of numerous mineral, vegetable, and synthetic substances and animal and vegetable fats that are generally slippery, combustible, viscous, liquid, or liquefiable at room temperatures, soluble in various organic solvents such as ether but not in water, and used in a great variety of products, especially lubricants and fuels. This shall include cutting oils, motor oils and fuels, and lubricants and/or products of mineral oil.

User shall mean any person, firm or corporation including those located outside the jurisdictional limits of the city, who contributes causes or permits the contribution or discharge of wastewater into the city's sanitary sewer system, including persons who contribute such wastewater from mobile sources, such as those who discharge hauled wastewater.

(c) *Grease separation device general requirements.*

- (1) All food service establishments shall have GSDs approved by the director of water resources or his designee. GSDs shall be installed by users as required by the city. GSDs shall be installed and maintained at the user's expense.
- (2) GSDs may be required in non-cooking or cold dairy and frozen foodstuffs establishments and other industrial or commercial establishments when they are deemed necessary by the director or his designee for the proper handling of liquid wastes containing grease.
- (3) Existing FSEs with an under designed GSD or no GSD shall implement best management practices. If evidence of grease discharge into the sanitary sewer system is properly established, then the director of water resources or his designee reserves the right to require the installation of a new GSD or require an increase in cleaning frequency.
- (4) All fixtures, equipment and drain lines located within an FSE that could potentially contribute to FOG entering the sanitary sewer system shall be connected to a GSD.
- (5) Wastewater from sanitation facilities (toilets, latrines, hand-washing facilities) shall not be permitted to discharge into a GSD.
- (6) Any equipment or fixture that allows water in excess of 140° F shall not pass through any GSD accommodating a flow rate below 50 gallons per minute.
- (7) Any new establishment that is required to comply with this ordinance shall not be given approval to operate until such time a GSD is approved for the site.
- (8) Any existing FSE that anticipates expansion must receive approval from the director of water resources or his designee to ensure proper GSD sizing prior to issuance of a zoning clearance permit from the City.
- (9) Any new commercial buildings where the intended use has not been established are encouraged to provide a stub-out for a future grease separation device.
- (10) All GSDs shall be of a type, design, and capacity approved by the director of engineer or their designee and shall be readily and easily accessible for user cleaning and city inspection. Any GSD installed shall be sized and designed for the specific establishment by a professional engineer or licensed plumber qualified to design these devices. Design calculations justifying the size and design along with a written operational procedure shall be submitted to the director of engineer or their designee for approval. Establishments whose grease interceptors are not adequately maintained to prevent floatable oils, fats, or grease from entering the sewer system, shall be notified in writing of any noncompliance, and required to provide a schedule whereby corrections will be accomplished, or will be subject to penalties, including having their water turned off.

(d) *Grease separation device design guidelines*

- (1) GSD design shall conform with the design criteria established in the Land Development Standards Manual (LDSM).

(e) *Maintenance requirements.*

- (1) Provide for a minimum hydraulic retention time of twenty-four (24) minutes at actual peak flow between the influent and effluent baffles, with twenty-five (25) percent of the total volume of the grease interceptor

being allowed for any food-derived solids to settle or accumulate and floatable grease derived material to rise and accumulate, identified hereafter as sludge pocket and grease cap.

- (2) Removal of any accumulated grease cap and sludge pocket as required, at intervals no greater than those established in this ordinance. GSDs shall be kept free of any solid materials such as grit, rocks, gravel, sand, eating utensils, cigarettes, shells, towels, and rags etc., which could settle into the sludge pocket and thereby reduce the effective volume of the device.
 - (3) Pumping/cleaning of GSDs shall include the complete removal of all contents, including floatable materials, wastewater, sludge, and solids must comply with the requirements and procedures administered by the state division of waste management and any other applicable requirements. All waste removed from each grease interceptor/trap shall be properly and lawfully removed, transported, and disposed of at a facility permitted in the state division of waste management to receive such waste.
 - (4) The use of biological additives as a grease degradation or conditioning agent is conditionally permissible upon prior written approval by the director of water resources or their designee. Any establishment using this method of grease abatement shall maintain the trap or interceptor in such a manner that attainment of the grease wastewater discharge limit, as measured from the trap's outlet, is consistently achieved.
 - (5) The director of water resources or their designee may make determinations of GSD adequacy need, design, application, location, modification(s) and conditional usage based on review of all relevant information regarding grease interceptor performance, facility site and building plan review and may require repairs to, or modification or replacement of GSDs.
 - (6) Any authorized representative of the city shall have the right to enter any building, structure, or premises during normal business hours to perform the duties imposed upon them in accordance with this section. Refusal to allow the representative(s) to enter for these purposes shall result in a fine and the second refusal (after twenty-four (24) hours of first refusal) shall result in the termination of water/sewer service. Refusal of access may also occur if a user fails to provide without unreasonable delay, such facilities, equipment, or devices as are reasonably necessary to permit personnel of the city, the approval authority, or the Environmental Protection Agency from performing their duties in a safe manner. Unreasonable delays may constitute refusal of access. Any delay of more than five (5) minutes may be considered unreasonable.
- (f) *Pumping/cleaning frequency.*
- (1) *Grease separation devices accommodating a flow rate at or above 50 gallons per minute:*
 - a. At least once every ninety (90) days (or more frequently as specified by city).
 - b. Anytime floatable grease layer exceeds six (6) inches in depth as measured by an approved dipping method.
 - c. Anytime the settled solids layer exceeds eight (8) inches in depth by an approved dipping method.
 - d. Anytime the total volume of captured grease and solid material displaces more than twenty-five (25) percent of the capacity of the interceptor as calculated using an approved dipping method.
 - e. Anytime the interceptor is not retaining/capturing FOG.
 - (2) *Grease separation devices accommodating a flow rate below 50 gallons per minute:*
 - a. At least once every thirty (30) days (or more frequently as specified by city).
 - b. Anytime the total volume of captured grease and solid materials displaces more than twenty-five (25) percent of the total volume of the trap.
- (g) *Record keeping.* The owner/operator shall maintain a written record of grease interceptor/trap maintenance for three (3) years. All such record shall be available for inspection by the City at all times. These records shall include:
- (1) Establishment/facility name and physical location.
 - (2) Date of grease interceptor/trap service.
 - (3) Time of grease interceptor/trap service.

- (4) Name of grease interceptor service provider.
 - (5) Name and signature of grease interceptor service agent performing said service.
 - (6) Established pumping frequency.
 - (7) Number and size of each interceptor/trap serviced at establishment/facility.
 - (8) Approximate amount, per best profession judgment of service provider, of grease and solids removed from each grease interceptor/trap.
 - (9) Total volume of waste removed from each grease interceptor/trap (including liquids).
 - (10) Destination of removed wastes, food solids, and wastewater disposal.
 - (11) Signature/date of establishment/personnel confirming service completion.
- (h) *Medical waste.* Medical waste as defined in this policy is prohibited from being in the city sanitary sewer system.
- (i) *Enforcement.*
- (1) Release of wastewater into the public sanitary sewer system without the use of a required grease interceptor shall subject the violator to the penalties and enforcement as provided in subsections (2) or (5) hereinafter.
 - (2) Failure to comply with the standards contained in this section may result in termination of water/wastewater services.
 - (3) Failure to comply with the standards in this section will result in notification to the respective county health department for request of additional enforcement action that results in revocation of food service or other applicable permit.
 - (4) All violation penalties, citations, and other enforcement actions shall be reviewed and approved by the director of water resources or his designee.
 - (5) Grease Separation Device violation penalties:

Description of violation	Grease Separation Device violations penalty	
	GSD flow rate below 50 gpm	GSD flow rate at or above 50 gpm
Failure to maintain and/or submit records (if records are provided within 5 business days the fee shall be waived)	\$100.00 per missing record	\$150.00 per missing record
Inspection hindrance (to include refusal of entry)	\$100.00	\$500.00
Failure to maintain grease device	\$100.00 per maintenance event skipped	\$500.00 per maintenance event skipped
Failure to repair necessary equipment (fees double for each corrective action deadline not met)	\$250.00	\$500.00
Failure to install grease interceptor/trap	Up to \$5,000.00	Up to \$25,000.00

Causing or contributing to sewer blockage	Up to \$5,000.00	Up to \$25,000.00
Causing or contributing to a sanitary sewer overflow	Up to \$5,000.00	Up to \$25,000.00
Falsification of records	\$150.00 per instance	\$500.00 per instance
Chronic non-compliance may be subject to the disconnection of water/sewer services in addition to the above noted penalties. Non-compliance is defined as three or more separate violations within a 12-month period. To resume water/sewer services a plan for correction and future compliance shall be submitted by the owner/operator of the establishment and approved by the Director of Water Resources.		

- (6) In determining the amount of the civil penalty, the director of water resources shall consider the following:
- The degree and extent of the harm to the natural resources, to the public health, or to public or private property resulting from the violation.
 - The duration and gravity of the violation.
 - The effect on ground or surface water quantity or air quality.
 - The cost of rectifying the damage.
 - The amount of money the violator saved by noncompliance.
 - Whether the violation was committed willfully or intentionally.
 - The prior record of the violator in complying or failing to comply with the program.
 - The costs of enforcement to the city.
- (7) Additional establishments regulated (non-food service establishments). GSDs are not required for apartment buildings and/or high-density residential units. However, if an apartment building and/or high-density residential area is found to be responsible for causing or contributing to a blockage or sanitary sewer overflow, enforcement action may include ordering the cleaning of all sanitary waste lines throughout the property, assessment of penalties, and other actions.
- Examples of additional establishments that are regulated by this program include, but are not limited to, the following entities:
- Medical facilities.
 - Slaughterhouses.
 - Apartments and high-density residential units.
 - Assisted living facilities / Nursing homes.
 - Industrial or manufacturing facilities.
 - Laboratories.
 - Veterinary facilities.
 - Agricultural operations.
 - Facilities that produce or use wax.
 - Gas stations or automotive maintenance facilities.
- (8) Miscellaneous section 17-72 violation penalties:

Description of violation	Fats, oils and grease and medical waste program and sewer use violations penalty
Inspection Hindrance (to include refusal of entry)	Up to \$500.00
Causing or contributing to sewer blockage	Up to \$25,000.00
Causing or contributing to a sanitary sewer overflow	Up to \$25,000.00
Falsification of records	Up to \$500.00 per instance
Chronic non-compliance may be subject to the disconnection of water/sewer services in addition to the above noted penalties. Non-compliance is defined as three or more separate violations within a 12-month period. To resume water/sewer services a plan for correction and future compliance shall be submitted by the owner/operator of the establishment and approved by the director of water resources.	

- (9) In determining the amount of the civil penalty imposed, the water resources director shall consider the following:
- The degree and extent of the harm to the natural resources, to the public health, or to public or private property resulting from the violation.
 - The duration and gravity of the violation.
 - The effect on ground or surface water quantity or quality or air quality.
 - The cost of rectifying the damage.
 - The amount of money the violator saved by noncompliance.
 - Whether the violation was committed willfully or intentionally.
 - The prior record of the violator in complying or failing to comply with the program.
 - The costs of enforcement to the city.
- (j) *Search warrant; administrative warrant.* In the event the water resources director, or his designee, or any governmental entity having jurisdiction, has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this section, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this section or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the water resources director, or his designee, and any governmental entity having jurisdiction, may seek issuance of a search warrant or administrative warrant.
- (k) *Sewer use ordinance.* This policy contained in this section is not intended and does not supersede the water and sewer authority of Cabarrus County and/or City of Kannapolis sewer use ordinances, but rather compliment said ordinances to reduce the fats, oils, and greases and/or medical waste discharges into the city sanitary sewer system.
- (l) *Exceptions.* Exceptions to the requirements contained within this ordinance may be necessary and are determined based on the criteria established below.
- No FSE is permitted to apply for an exception to waive the requirement to install a GSD.
 - Sufficient documentation shall be provided illustrating the necessity or desire to deviate from the design, location, and/or maintenance requirements established in this ordinance.

- (3) Any request must align with the intent of this ordinance as well as, the sewer use ordinance for the Water and Sewer Authority of Cabarrus County (WSACC).
- (4) New construction is not permitted to apply for an exception to this ordinance.
- (5) The director of water resources or his designee reserves the right to revoke any approved exception immediately if it has been demonstrated that conditions of approval have not been met.

This Ordinance is effective upon adoption.

This the 28th day of August, 2023.

Milton D. Hinnant
Mayor

ATTEST:

Bridgette Bell, MMC, NCCMC
City Clerk

Sec. 17-72. Fats, oils, grease and medical waste control program.

- (a) *Scope and purpose.* The objective of this program is to aid in preventing the introduction and accumulation of fats, oils, and greases and/or medical waste into the municipal wastewater system, which will or tend to cause or contribute to sanitary sewer blockages and obstructions. Food service establishments and other industrial or commercial establishments generating wastewater containing fats, oils or greases and/or medical waste are subject to this program. This program, regulates such users by requiring that grease interceptors/traps be installed, implemented, and maintained in accordance with the provisions hereof. It shall be the City of Kannapolis's responsibility to monitor and enforce compliance with this program in an effort to prevent the introduction of excessive fats, oils, and grease and/or medical waste into the system.
- (b) *Definitions.* Unless the context specifically indicates otherwise, the meaning and terms used in this section shall be as follows:

Commercial establishment shall mean any location where a person manufactures, packages, prepares, provides, serves, or makes available any meals, or food for sale, for monetary compensation, or for non-monetary consideration.

Fats, oils, and greases shall mean an organic polar compound derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, subject to amendments. Also including any sludge, screening, or other residues from the pretreatment of FOG containing wastewater or non-pretreated wastewater. All compounds are sometimes referred to herein as "grease", "greases", or "FOG."

Food service establishments (FSE) shall mean those establishments primarily engaged in activities of preparing, serving, or otherwise making available for consumption foodstuffs and that use one (1) or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching. Also included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing.

Grease Separation Device (GSD) shall mean a device for separating and retaining waterborne greases and grease complexes prior to the wastewater exiting the device and entering the sanitary sewer collection and treatment system. These devices also serve to collect solids that settle, generated by and from food preparation activities, prior to the wastewater exiting the device and entering the sanitary sewer collection and treatment system. Grease separation devices may be referred to herein as "grease traps" and "grease interceptors."

Medical waste shall mean any material to include but not limited to isolation wastes, infectious agents, human blood and blood products, animal blood and blood products, pathological wastes, sharps (medical term for devices with sharp points or edges that can puncture or cut skin), human body parts, animal parts, contaminated bedding, contaminated cloth, surgical wastes, and potentially contaminated laboratory wastes (all types to include human, animal, organic or inorganic).

Minimum design capability shall mean the design features of a GSD and its required capacity to effectively intercept and retain greases from grease-laden wastewater discharged to the public sanitary sewer.

Non-cooking establishments shall mean those establishments primarily engaged in the preparation of precooked foodstuffs that do not include any form of cooking. These include, but are not limited to, cold dairy and frozen foodstuffs preparation and serving establishments.

Oil shall mean any of numerous mineral, vegetable, and synthetic substances and animal and vegetable fats that are generally slippery, combustible, viscous, liquid or liquefiable at room temperatures, soluble in various

organic solvents such as ether but not in water, and used in a great variety of products, especially lubricants and fuels. This shall include cutting oils, motor oils and fuels, and lubricants and/or products of mineral oil.

User shall mean any person, firm or corporation including those located outside the jurisdictional limits of the city, who contributes causes or permits the contribution or discharge of wastewater into the city's sanitary sewer system, including persons who contribute such wastewater from mobile sources, such as those who discharge hauled wastewater.

(c) *Grease separation device general requirements.*

- (1) All food service establishments shall have GSDs approved by the director of water resources or his designee. GSDs shall be installed by users as required by the city. GSDs shall be installed and maintained at the user's expense.
- (2) GSDs may be required in non-cooking or cold dairy and frozen foodstuffs establishments and other industrial or commercial establishments when they are deemed necessary by the director or his designee for the proper handling of liquid wastes containing grease.
- (3) Existing FSEs with an under designed GSD or no GSD shall implement best management practices. If evidence of grease discharge into the sanitary sewer system is properly established, then the director of water resources or his designee reserves the right to require the installation of a new GSD or require an increase in cleaning frequency.
- (4) All fixtures, equipment and drain lines located within an FSE that could potentially contribute to FOG entering the sanitary sewer system shall be connected to a GSD.
- (5) Wastewater from sanitation facilities (toilets, latrines, hand-washing facilities) shall not be permitted to discharge into a GSD.
- (6) Any equipment or fixture that allows water in excess of 140° F shall not pass through any GSD accommodating a flow rate below 50 gallons per minute.
- (7) Any new establishment that is required to comply with this ordinance shall not be given approval to operate until such time a GSD is approved for the site.
- (8) Any existing FSE that anticipates expansion must receive approval from the director of water resources or his designee to ensure proper GSD sizing prior to issuance of a zoning clearance permit from the City.
- (9) Any new commercial buildings where the intended use has not been established are encouraged to provide a stub-out for a future grease separation device.
- (10) All GSDs shall be of a type, design, and capacity approved by the director of engineer or their designee and shall be readily and easily accessible for user cleaning and city inspection. Any GSD installed shall be sized and designed for the specific establishment by a professional engineer or licensed plumber qualified to design these devices. Design calculations justifying the size and design along with a written operational procedure shall be submitted to the director of engineer or their designee for approval. Establishments whose grease interceptors are not adequately maintained to prevent floatable oils, fats or grease from entering the sewer system, shall be notified in writing of any noncompliance and required to provide a schedule whereby corrections will be accomplished, or will be subject to penalties, including having their water turned off.

(d) *Grease separation device design guidelines*

- (1) GSD design shall conform with the design criteria established in the Land Development Standards Manual (LDSM).
- (e) *Maintenance requirements.*

-
- (1) Provide for a minimum hydraulic retention time of twenty-four (24) minutes at actual peak flow between the influent and effluent baffles, with twenty-five (25) percent of the total volume of the grease interceptor being allowed for any food-derived solids to settle or accumulate and floatable grease derived material to rise and accumulate, identified hereafter as sludge pocket and grease cap.
 - (2) Removal of any accumulated grease cap and sludge pocket as required, at intervals no greater than those established in this ordinance. GSDs shall be kept free of any solid materials such as grit, rocks, gravel, sand, eating utensils, cigarettes, shells, towels, and rags etc., which could settle into the sludge pocket and thereby reduce the effective volume of the device.
 - (3) Pumping/cleaning of GSDs shall include the complete removal of all contents, including floatable materials, wastewater, sludge, and solids must comply with the requirements and procedures administered by the state division of waste management and any other applicable requirements. All waste removed from each grease interceptor/trap shall be properly and lawfully removed, transported, and disposed of at a facility permitted in the state division of waste management to receive such waste.
 - (l) The use of biological additives as a grease degradation or conditioning agent is conditionally permissible upon prior written approval by the director of water resources or their designee. Any establishment using this method of grease abatement shall maintain the trap or interceptor in such a manner that attainment of the grease wastewater discharge limit, as measured from the trap's outlet, is consistently achieved. (5) The director of water resources or their designee may make determinations of GSD adequacy need, design, application, location, modification(s) and conditional usage based on review of all relevant information regarding grease interceptor performance, facility site and building plan review and may require repairs to, or modification or replacement of GSDs.
 - (6) Any authorized representative of the city shall have the right to enter any building, structure or premises during normal business hours to perform the duties imposed upon them in accordance with this section. Refusal to allow the representative(s) to enter for these purposes shall result in a fine and the second refusal (after twenty-four (24) hours of first refusal) shall result in the termination of water/sewer service. Refusal of access may also occur if a user fails to provide without unreasonable delay, such facilities, equipment, or devices as are reasonably necessary to permit personnel of the city, the approval authority or the Environmental Protection Agency from performing their duties in a safe manner. Unreasonable delays may constitute refusal of access. Any delay of more than five (5) minutes may be considered unreasonable.
- (f) *Pumping/cleaning frequency.*
- (1) *Grease separation devices accommodating a flow rate at or above 50 gallons per minute:*
 - a. At least once every ninety (90) days (or more frequently as specified by city).
 - b. Anytime floatable grease layer exceeds six (6) inches in depth as measured by an approved dipping method.
 - c. Anytime the settled solids layer exceeds eight (8) inches in depth by an approved dipping method.
 - d. Anytime the total volume of captured grease and solid material displaces more than twenty-five (25) percent of the capacity of the interceptor as calculated using an approved dipping method.
 - e. Anytime the interceptor is not retaining/capturing FOG.
 - (2) *Grease separation devices accommodating a flow rate below 50 gallons per minute:*
 - a. At least once every thirty (30) days (or more frequently as specified by city).
- b. Anytime the total volume of captured grease and solid materials displaces more than twenty-five (25) percent of the total volume of the trap.(g) *Record keeping.* The owner/operator shall maintain a written record of

grease interceptor/trap maintenance for three (3) years. All such record shall be available for inspection by the city at all times. These records shall include:

- (1) Establishment/facility name and physical location.
 - (2) Date of grease interceptor/trap service.
 - (3) Time of grease interceptor/trap service.
 - (4) Name of grease interceptor service provider.
 - (5) Name and signature of grease interceptor service agent performing said service.
 - (6) Established pumping frequency.
 - (7) Number and size of each interceptor/trap serviced at establishment/facility.
 - (8) Approximate amount, per best profession judgment of service provider, of grease and solids removed from each grease interceptor/trap.
 - (9) Total volume of waste removed from each grease interceptor/trap (including liquids).
 - (10) Destination of removed wastes, food solids, and wastewater disposal.
 - (11) Signature/date of establishment/personnel confirming service completion.
- (h) *Medical waste.* Medical waste as defined in this policy is prohibited from being in the city sanitary sewer system.
- (i) *Enforcement.*
- (1) Release of wastewater into the public sanitary sewer system without the use of a required grease interceptor shall subject the violator to the penalties and enforcement as provided in Subsections (2) or (5) hereinafter.
 - (2) Failure to comply with the standards contained in this section may result in termination of water/wastewater services.
 - (3) Failure to comply with the standards in this section will result in notification to the respective county health department for request of additional enforcement action that results in revocation of food service or other applicable permit.
 - (4) All violation penalties, citations, and other enforcement actions shall be reviewed and approved by the director of water resources or his designee.
 - (5) Grease Separation Device violation penalties:

Description of violation	Grease Separation Device violations penalty	
	GSD flow rate below 50 gpm	GSD flow rate at or above 50 gpm
Failure to maintain and/or submit records (if records are provided within 5 business days the fee shall be waived)	\$100.00 per missing record	\$150.00 per missing record
Inspection hindrance (to include refusal of entry)	\$100.00	\$500.00
Failure to maintain grease device	\$100.00 per maintenance event skipped	\$500.00 per maintenance event skipped
Failure to repair necessary equipment (fees double for each corrective action deadline not met)	\$250.00	\$500.00

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Failure to install grease interceptor/trap	Up to \$5,000.00	Up to \$25,000.00
Causing or contributing to sewer blockage	Up to \$5,000.00	Up to \$25,000.00
Causing or contributing to a sanitary sewer overflow	Up to \$5,000.00	Up to \$25,000.00
Falsification of records	\$150.00 per instance	\$500.00 per instance
Chronic non-compliance may be subject to the disconnection of water/sewer services in addition to the above noted penalties. Non-compliance is defined as three or more separate violations within a 12-month period. To resume water/sewer services a plan for correction and future compliance shall be submitted by the owner/operator of the establishment and approved by the Director of Water Resources.		

- (6) In determining the amount of the civil penalty, the director of water resources shall consider the following:
- The degree and extent of the harm to the natural resources, to the public health, or to public or private property resulting from the violation.
 - The duration and gravity of the violation.
 - The effect on ground or surface water quantity or quality and air quality.
 - The cost of rectifying the damage.
 - The amount of money the violator saved by noncompliance.
 - Whether the violation was committed willfully or intentionally.
 - The prior record of the violator in complying or failing to comply with the program.
 - The costs of enforcement to the city.
- (7) Additional establishments regulated (non-food service establishments). GSDs are not required for apartment buildings and/or high-density residential units. However, if an apartment building and/or high-density residential area is found to be responsible for causing or contributing to a blockage or sanitary sewer overflow, enforcement action may include: ordering the cleaning of all sanitary waste lines throughout the property, assessment of penalties, and other actions.

Examples of additional establishments that are regulated by this program include, but are not limited to, the following entities:

- Medical facilities.
- Slaughterhouses.
- Apartments and high-density residential units.
- Assisted living facilities / Nursing homes.
- Industrial or manufacturing facilities.
- Laboratories.
- Veterinary facilities.
- Agricultural operations.
- Facilities that produce or use wax.
- Gas stations or automotive maintenance facilities.

(8) Miscellaneous section 17-71 violation penalties:

Description of violation	Fats, oils and grease and medical waste program and sewer use violations penalty
Inspection Hindrance (to include refusal of entry)	Up to \$500.00
Causing or contributing to sewer blockage	Up to \$25,000.00
Causing or contributing to a sanitary sewer overflow	Up to \$25,000.00
Falsification of records	Up to \$500.00 per instance
Chronic non-compliance may be subject to the disconnection of water/sewer services in addition to the above noted penalties. Non-compliance is defined as three or more separate violations within a 12-month period. To resume water/sewer services a plan for correction and future compliance shall be submitted by the owner/operator of the establishment and approved by the director of water resources.	

(9) In determining the amount of the civil penalty imposed, the water resources director shall consider the following:

- a. The degree and extent of the harm to the natural resources, to the public health, or to public or private property resulting from the violation.
 - b. The duration and gravity of the violation.
 - c. The effect on ground or surface water quantity or quality and air quality.
 - d. The cost of rectifying the damage.
 - e. The amount of money the violator saved by noncompliance.
 - f. Whether the violation was committed willfully or intentionally.
 - g. The prior record of the violator in complying or failing to comply with the program.
 - h. The costs of enforcement to the city.
- (j) *Search warrant; administrative warrant.* In the event the water resources director, or his designee, or any governmental entity having jurisdiction, has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this section, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this section or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the water resources director, or his designee, and any governmental entity having jurisdiction, may seek issuance of a search warrant or administrative warrant.
- (k) *Sewer use ordinance.* This policy contained in this section is not intended and does not supersede the water and sewer authority of Cabarrus County and/or City of Kannapolis sewer use ordinances, but rather compliment said ordinances to reduce the fats, oils and greases and/or medical waste discharges into the city sanitary sewer system.
- (l) *Exceptions.* Exceptions to the requirements contained within this ordinance may be necessary and are determined based on the criteria established below.
- (1) No FSE is permitted to apply for an exception to waive the requirement to install a GSD.(2) Sufficient documentation shall be provided illustrating the necessity or desire to deviate from the design, location, and/or maintenance requirements established in this ordinance.

-
- (3) Any request must align with the intent of this ordinance as well as, the sewer use ordinance for the Water and Sewer Authority of Cabarrus County (WSACC).
 - (4) New construction is not permitted to apply for an exception to this ordinance.
 - (5) The director of water resources or his designee reserves the right to revoke any approved exception immediately if it has been demonstrated that conditions of approval have not been met.

This Ordinance is effective upon adoption.

This the ____ day of June, 2023.

ATTEST:

(Ord. No. 2021-13 , 4-26-21)



Kannapolis City Council

City Council Agenda Staff Report

August 28, 2023

To: Mayor and City Council

From: Michael Rattler, Director of Transportation & Environmental Services

Subject: **RESOLUTION** - Request to Consider Withdrawal from Dedication, a Portion of the Right of Way (Unused and Undeveloped Alley) Intersecting With 1100 Pine St and set a Public Hearing date.

Action Requested by City Council

Motion to approve a Resolution stating the intent of the City to consider withdrawal from dedication a portion of Right of Way (unused, undeveloped, unnamed alley) intersecting with Franklin Avenue on property of 1100 and 1008 Pine St and set a Public Hearing date of September 25, 2023.

Required Votes to Pass Required Action

Majority Present at Meeting

Background

The property owner has requested the closure of a portion of Right of Way platted as an alley (unused, undeveloped and unnamed), intersecting with Franklin Avenue on the property of 1100 and 1008 Pine St. This Right of Way serves no remaining public purpose.

Fiscal Implications

None

Policy Issues

The approval of this recommendation is in keeping with the practice of the City Council of vacating easements that are no longer necessary for public use, returning the land to private ownership.

Legal Issues

None.

Recommendations and Alternate Courses of Action

1. **Approve the Resolution stating the intent of the City to consider withdrawal from dedication a portion of Right of Way (unused, undeveloped, unnamed alley) intersecting with Franklin St on the 1100 and 1008 Pine St property and establish a Public Hearing date of September 25, 2023 (Recommended).**
2. Do not adopt the Resolution.
3. Table action for a future meeting.

Attachments

1. Resolution of Intent to Close Unopened Right of Way Alley on 1100 and 1008 Pine St
2. ROW Closure Plat of 1100 and 1008 Pines St
3. Pine St Alley Closure Petition Aug 2023

**A RESOLUTION STATING THE INTENT OF THE
CITY OF KANNAPOLIS TO CONSIDER WITHDRAWAL FROM DEDICATION
A PORTION OF RIGHT OF WAY, ALLEY, LOCATED AT THE 1100 AND
1008 PINE STREET AS DESCRIBED HEREIN AND ESTABLISHING THE
DATE OF PUBLIC HEARING ON THE QUESTION OF SUCH CLOSING**

BE IT RESOLVED by the City Council of the City of Kannapolis:

Section 1. That it is the intent of the City Council of the City of Kannapolis to consider closing a portion of Right of Way Alley located at the 1100 and 1008 Pine Street intersecting with Franklin Avenue as a described public street or alley pursuant to Section 160A-299 of the General Statutes of North Carolina.

LEGAL DESCRIPTION:

1) A SECTION 200'IN LENGTH BOUND ON THE SOUTH BY LOTS 1 THROUGH 4, BLK "B", "VILLAMONT HEIGHTS" MBK 1, PG. 51, ON THE NORTH BY LOTS 13 THROUGH 20, BLK "B", "VILLAMONT HEIGHTS" MBK 2, PG. 38, AND ON THE EAST BY FRANKLIN ST, A 40' PUBLIC R/W, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A COMPUTED POINT THE NE CORNER OF LOT 1, MBK 1, PG. 51 ON THE WEST EDGE OF FRANKLIN ST THENCE S 74°53'00" W, 200.00' WITH LOTS 1 THROUGH 4 ALONG THE SOUTH EDGE OF SAID 10' ALLEY TO A COMPUTED POINT, THE COMMON CORNER OF LOTS 4 & 5, MBK 1, PG. 51; THENCE A NEW LINE NORTH ACROSS SAID ALLEY N 15°07'00" W, 10.00' TO AN EXISTING 1/2" IRON ROD, A COMMON CORNER OF LOT 20 & 21, BLK "B", MBK 2, PG. 38; THENCE ALONG THE NORTH EDGE OF SAID ALLEY WITH LOTS 13 THROUGH 20, BLK "B", MBK 2, PG. 38 N 74°53'00" E, 200.00' TO A COMPUTED POINT ON THE WEST EDGE OF FRANKLIN ST; THENCE WITH FRANKLIN ST S 15°07'00" E, 10.00' TO THE POINT OF BEGINNING, CONTAINING 0.046 AC./2,000 SQ. FT. MORE OR LESS.

2) A SECTION 100' IN LENGTH BOUND ON THE SOUTH BY LOTS 1 THROUGH 4, BLK "D", "VILLAMONT HEIGHTS" MBK 1, PG. 51, ON THE NORTH BY LOT 13, BLK "D", SAME SAID MAP AND ON THE WEST BY FRANKLIN ST, A 40' PUBLIC R/W, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A COMPUTED POINT THE SW CORNER OF LOT 13, BLK "D", MBK 1, PG. 51 ON THE EAST EDGE OF FRANKLIN ST THENCE N 74°53'00" E, 100.00' WITH NORTH EDGE OF SAID ALLEY AND LOT 13; THENCE A NEW LINE SOUTH ACROSS SAID ALLEY S 15°07'00" E, 10.00' TO A COMPUTED POINT, A COMMON CORNER OF LOTS 4 & 5, BLK "D", MBK 1, PG. 51; THENCE S 74°53'00" W, 100.00' WITH THE SOUTH EDGE OF SAID 10' ALLEY AND LOTS 1 THROUGH 4 TO A COMPUTED POINT, ON THE EAST EDGE OF FRANKLIN ST; THENCE WITH FRANKLIN ST N 15°07'00" W, 10.00' TO THE POINT OF BEGINNING, CONTAINING 0.023 AC./1,000 SQ. FT. MORE OR LESS.

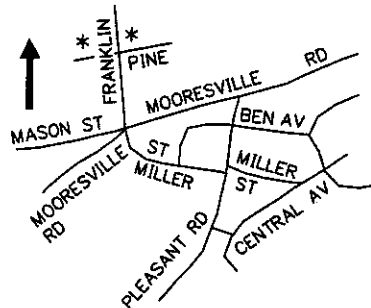
Section 2. That a Public Hearing on the question of such closing the above described right-of-way will be held at 401 Laureate Way, Kannapolis, North Carolina, at 6:00 o'clock p.m., or as soon thereafter as the matter may be heard, on the 25th of September 2023 at which time plans for such closing will be explained and all persons will be given an opportunity to be heard.

Section 3. That notice of said closing and Public Hearing shall be given by publication, mailing, and posting as required by law.

Adopted this 28th day of August 2023.

Milton D. Hinnant, Mayor

Bridgette Bell, MMC, NCCMC
City Clerk



VICINITY MAP
1"=2000'±
(*) SITE

NOTES:

1) No opinion of title is implied or certified by the information shown on this plat. Subject and adjoining property owners names, deeds of record, and tax parcel identifications reflect those available to this surveyor as of the date of survey shown.

"GS 47-30 ... mapping requirements. (c) ... (the name of owner shall be shown for indexing purposes only and is not to be construed as title certification)"

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

3) As of the date (6/12/2023) of this PLAT this property does not lie in a Special Flood Hazard Zone.
VERSION NUMBER : 2.3.3.2
MAP NUMBER : 3710561400K
MAP REVISED : NOVEMBER 16, 2018
Published by : Federal Emergency Management Agency

4) Property lies in City of Kannapolis
Zoning District : R8
MINIMUM BUILDING SETBACK ARE
AS FOLLOWS: FRONT - 10',
SIDE - 5', & REAR - 5'

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

MBK 92, PG. 90

Block "B"
"Villamont Heights"
Mbk 2, Pg. 38

West Point Baptist Church, Inc.
7143 - 311,
TRACT I
pin # 5614 10 6276
ZONE : R8

West Point Baptist Church, Inc.
7143 - 311,
TRACT II
pin # 5614 10 7183
ZONE : R8

West Point Baptist Church, Inc.
7143 - 311,
TRACT III
pin # 5614 10 9344
ZONE : R8

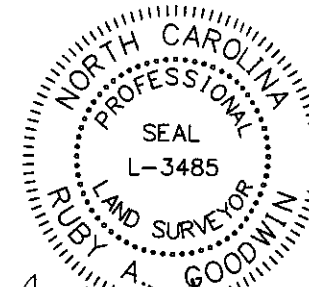
ORIENTED WITH
MBK 1, PG. 51
PER
MBK 92, PG. 90

Joel Stoford
6179 - 30
pin # 5614 20 0326
ZONE : R8

Seng Lor
14386 - 350
pin # 5614 20 1222
ZONE : R8

West Point Baptist Church, Inc.
7143 - 311,
TRACT IV
pin # 5614 20 0109
ZONE : R8

LEGEND:
n.i.p. = New Iron Pin, (SET)
e.i.p. = Existing Iron Pipe, as described (FOUND)
e.i.r. = Existing Iron Rod, as described (FOUND)
cp = Computed Point / No Physical Monu.
— = SURVEYED LINES - SOLID
--- = ROAD RIGHT OF WAY
--- = EASEMENTS LINES
--- = LOT/TRACT/DEED LINES
--- = ADJOINING PROPERTY LINES



Ruby A. Goodwin
Ruby A. Goodwin, P.L.S. (L-3485)
EXHIBIT PLAT ONLY - NO NEW SURVEY

EXHIBIT PLAT / ALLEY CLOSING
1) 0.046 Ac. / 2,000 sq. ft.

10' ALLEY ADJOINING
LOTS 1 - 4, BLK "B"
"VILLAMONT HEIGHTS" MBK 1, PG. 51
AND LOTS 13-20, BLK "B"
"VILLAMONT HEIGHTS" MBK 2, PG. 38

Tax Ref. : pin # 5614 10 6276 & 7183
Dbk 7143, Pg. 311, TRACTS I & II

2) 0.023 Ac. / 1,000 sq. ft.

10' ALLEY ADJOINING
LOTS 1 - 4 & 13, BLK "D"
"VILLAMONT HEIGHTS" MBK 1, PG. 51

Tax Ref. : pin # 5614 10 9344 & 20 0109
Dbk 7143, Pg. 311, TRACTS III & IV

FOR

West Point Baptist Church, Inc.

Twp # 4 Cabarrus Co., Kannapolis, N.C.
ORIGINAL BOUNDARY SURVEY : 11/11/2005
EXHIBIT PLAT PREPARED : JUNE 12, 2023
Scale : 1" = 60' Job # 05 09 13





Kannapolis City Council

City Council Agenda Staff Report

August 28, 2023

To: Mayor and City Council
From: Walter Safrit, City Attorney
Subject: **RESOLUTION** - Authorizing City to Enter Into Sole Source Equipment and Software Purchase Agreement with AXON Enterprises, Inc.

Action Requested by City Council

Resolution authorizing City to Enter Into Sole Source Equipment and Software Purchase Agreement with AXON Enterprises, Inc.

Required Votes to Pass Required Action

Majority Present at Meeting

Background

In 2021, City Council authorized execution of an Equipment Purchase Agreement with Axon Enterprises, Inc. ("Axon") for the purchase of taser equipment, body cameras, stationary cameras, related accessory equipment, operation services and software. The Kannapolis Police Department ("KPD"), now desires to purchase certain audio and video equipment, operational software, training and technical support primarily for interview room purposes which are only compatible with the products previously acquired. Axon is the sole source of compatible products. Therefore, the proposed purchase is in accordance with the provisions of the North Carolina General Statutes §143-129(e)(6), stated below, for the letting of public contracts, as a sole-source exception to the competitive requirements of the statute. The important result is that KPD can negotiate and acquire the necessary equipment, software and related support identified in the purchase agreement, directly from Axon.

"NCGS 143-129(e)(6). Purchases of apparatus, supplies, materials, or equipment when: (i) performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration. Notwithstanding any other provision of this section, the governing board of a political subdivision of the State shall approve the purchases listed in the preceding sentence prior to the award of the contract."

Fiscal Implications

Funding for this purchase is included in the FY 24 Budget.

Policy Issues

None.

Legal Issues

None.

Recommendations and Alternate Courses of Action

1. **Motion to Adopt a Resolution Authorizing City to Enter into Sole Source Equipment and Software Purchase with Axon Enterprises, Inc. (Recommended).**
2. Motion to amend Resolution and then adopt.
3. Table Action to a Future Meeting.

Attachments

1. Resolution authorizing the City to enter into Sole Source Equipment Purchase Agreement
2. Axon Statement of Work

**RESOLUTION AUTHORIZING THE CITY TO ENTER INTO
SOLE SOURCE EQUIPMENT PURCHASE AGREEMENT**

WHEREAS, in 2021 the City executed an Equipment Purchase Agreement with Axon Enterprises, Inc. ("Axon") for the purchase of a taser equipment, body cameras, stationary cameras, related accessory equipment, operation services and software ("Product"); and

WHEREAS, City, by and upon the advice of the Kannapolis Police Department ("KPD"), desires to purchase certain audio and video equipment and operational software ("Interview Room Equipment"), which are only compatible with the Product previously acquired; and

WHEREAS, Axon is the sole source of the compatible Product. Therefore, this purchase is in accordance with the provisions of the North Carolina General Statutes §143-129(e)(6) as a sole-source exception to the competitive requirements of the statute.

THEREFORE, BE IT RESOLVED:

THAT, Axon is the sole vendor for the Interview Room Equipment desired by KPD, therefore, this purchase is in accordance with the provisions of N.C.G.S. 143-129(e)(6) as a sole source exception; and

THAT, the City Manager is authorized to enter into the attached Purchase Agreement with Axon Enterprises, Inc.

Adopted this the 28th day of August, 2023.

Milton D. Hinnant
Mayor

ATTEST:

Bridgette Bell, MMC, NCCMC
City Clerk

STATEMENT OF WORK FOR THE
IMPLEMENTATION OF AXON INTERVIEW ROOM
FOR KANNAPOLIS POLICE DEPARTMENT - NC
("SOW")

Submitted By:

Axon Enterprise, Inc. (Axon) North 85th Street



1. PROJECT OVERVIEW:

1.1 SOFTWARE

The hardware and software detailed in this SOW includes, the listed functionality.

► Axon Interview Room

1.2 DEFINITIONS

TERM	DEFINITION
PARTIES	
Agency	Kannapolis Police Department - NC who is identified within this SOW
End-Users	Specific Agency groups that will use the system
Professional Services	The services that Axon will provide within the scope of this SOW
SYSTEMS	
Axon Systems	Software solutions and Agency specific integrations developed by Axon
CJIS	The Federal Bureau of Investigation's Criminal Justice Information System
NCIC	National Crime Information Center
Product	The hardware and software solution being implemented as part of this SOW
Production Environment	The operational environment where the Product will be accessed
PROJECT & MILESTONES	
Project	Scope of this SOW as defined by the work to be completed described herein
Project Change Order (PCO)	Change order form outlined in Attachment B to be executed between Axon and Agency if a material change in scope is required to this SOW
ACCEPTANCE	
Blocker	Issue impacting 50% or more users
Functional Acceptance Testing	Testing the functionality of the system as configured for Agency



1.3 OUT OF PROJECT SCOPE

Axon is only responsible for performing the Professional Services described within this SOW. Any additional Professional Services that are not defined explicitly by this SOW shall be done so through a Project Change Order. The following are considered outside the scope of this Project:

- ▶ Administration, management, or support of any internal City, County, State, Federal or Agency IT network or infrastructure
- ▶ Third Party Products and Services costs related to the vendors or Agency's cost of implementing the vendors or Agency's side of the Integration
- ▶ Changes made by Agency or Agency's vendors



2. PROFESSIONAL SERVICES:

2.1 GENERAL

- ▶ Axon will provide a project manager throughout entire project.

2.2 HARDWARE

2.2.1 Headquarters

- ▶ Agency will supply 2 Servers.
 - If agency grants access, Axon will unbox and rack servers.
 - Agency will ensure servers are powered on with Windows installed prior to Install date.
 - Agency may setup server per agencies standards for things such as, joining to the domain, antivirus, firewalls, etc, so long as they do not degrade operations of Interview Server(s)
 - Agency will provide onsite and remote access to Interview Server(s) as required by Axon installers. Axon will then configure the Interview Server(s).
- ▶ Agency will supply Network Switches.
- ▶ Customer will provide network cabling.
- ▶ Agency will configure all network equipment.
- ▶ Agency will prepare all rooms prior to installation.
 - Removing all evidence from room.
 - Removal of existing video solution. Axon will work on installation timing with Agency to ensure an adequate number of rooms are available when possible.

▶ Covert Room 4

- AXIS F41/F1025 Covert IP Camera In Customer will provide covert enclosure.



- ▶ **Overt Room 1**
 - Axis P3245-LV Overt Dome Camera in N/A
- ▶ **Overt Room 2**
 - Axis P3245-LV Overt Dome Camera in N/A
- ▶ **Overt Room 3**
 - Axis P3245-LV Overt Dome Camera in N/A
- ▶ **Overt Room 5**
 - Axis P3245-LV Overt Dome Camera in N/A
- ▶ **Surveillance Room 1**
 - Axis P3245-LV Overt Dome Camera in N/A
- ▶ **Surveillance Room 2**
 - Axis P3245-LV Overt Dome Camera in N/A
- ▶ **Surveillance Room 3**
 - Axis P3245-LV Overt Dome Camera in N/A
- ▶ **Surveillance Room 4**
 - Axis P3245-LV Overt Dome Camera in N/A
- ▶ **Surveillance Room 5**
 - Axis P3245-LV Overt Dome Camera in N/A



2.3 INTERVIEW SOFTWARE

- ▶ Agency will ensure an appropriate resource is available to configure/troubleshoot network communications between onsite Interview Hardware. Agency will also assist in configure/troubleshoot connection to Axon Evidence.
- ▶ Agency may setup server per agencies standards for things such as, joining to the domain, antivirus, firewalls, etc; so long as they do not degrade operations of Interview Server(s)
- ▶ Axon will install Axon Interview Server Application, Agency may be required to provide appropriate permissions/credentials.
- ▶ Axon will install and configure Touch Panel Software.

2.4 READINESS

- ▶ Axon will supply Agency with copy of current QA/Testing Checklist.
- ▶ Axon will complete QA/Testing Checklist per room consisting of:
 - Hardware Wiring
 - Hardware Mounting
 - Hardware Functionality
 - Firmware Updates
 - Software Install and Configuration
 - Functional Test of all features

2.6 TRAINING

- ▶ Axon will provide training materials that may be used by agency. Training materials will be customized for agencies environment where applicable.
- ▶ Agency will provide facilities and equipment for conducting the Training.
- ▶ Train the Trainer: Axon will provide session(s), materials and support allowing Agency's In-house trainers to conduct their own Training. Agency is responsible for updating all Training materials after final acceptance.



3. PROJECT MANAGEMENT:

3.1 MANAGEMENT RESOURCES

- ▶ Both Parties will assign a Point of Contact, Project Manager, or Project Coordinator to ensure completion of deliverables.
- ▶ Axon's Project Coordinator will ensure all team members from Axon and Agency are continually updated on the status of the Project.

3.2 REQUIREMENTS PLANNING

- ▶ All Proposed Project timelines will be documented during Project Management Kickoff call.
- ▶ Once all requirements are agreed to, Axon's Project Coordinator will work with Agency's Project Manager to develop a Project plan for Axon's implementation.

3.3 CHANGE CONTROL

- ▶ If any changes in the Project cause a material increase or decrease in fees, as determined by Axon, an adjustment in the fees will be agreed upon and included in a signed PCO form.
- ▶ Agency acknowledges a proposed change request might have an impact on both scheduling and cost for the Project that will be outlined in the PCO form.



4. AGENCY COMMITMENTS:

- ▶ Ensure the reasonable availability for meetings, phone or email of knowledgeable staff and personnel to provide timely and accurate documentation and information to Axon.
- ▶ Identify holidays, non-workdays or major events that may impact the Project.
- ▶ Ensure Agency desktop or mobile systems and devices can access the Product.
- ▶ Make available relevant systems if needed for assessment by Axon (including making these systems available to Axon via remote access if possible).
- ▶ Technical Systems Requirements



5. SUPPORT:

- ▶ Axon will provide on-site Installer/trainer support as part of project.
- ▶ The Product undergoes updates and enhancements which Agency will automatically receive.
- ▶ Axon will provide Agency's End Users access to the help.axon.com support portal to submit and review service tickets.
- ▶ For Technical Support assistance, Agency may contact a Technical Support representative at 800-978-2737, or via email at Support@Axon.com. Online, email-based support and remote-location troubleshooting are included on an ongoing basis as part of Agency's investment in the Axon ecosystem. Phone support is available 24/7.

Axon Enterprise, Inc.
17800 N 85th St.
Scottsdale, Arizona 85255
United States
VAT: 86-0741227
Domestic: (800) 978-2737
International: +1.800.978.2737



Q-413378-45107.704RM

Issued: 08/30/2023

Quote Expiration: 09/15/2023

Estimated Contract Start Date: 01/01/2024

Account Number: 106934

Payment Terms: N30

Delivery Method:

SHIP TO	BILL TO	SALES REPRESENTATIVE	PRIMARY CONTACT
Kannapolis PD-1230 South Main Street 1230 S MAIN ST KANNAPOLIS, NC 28081-5438 USA	Kannapolis Police Department - NC 401 Laureate Way Kannapolis NC 28081-0005 USA Email:	Rob Marangelo Phone: Email: rmarangelo@axon.com Fax:	Daniel Wallace Phone: (704) 920-4052 Email: dwallace@kannapolisnc.gov Fax: (704) 920-4004

Quote Summary

Program Length	60 Months
TOTAL COST	\$193,898.00
ESTIMATED TOTAL W/ TAX	\$202,810.48

Discount Summary

Average Savings Per Year	(\$1,297.62)
TOTAL SAVINGS	(\$6,488.10)

Payment Summary

Date	Subtotal	Tax	Total
Dec 2023	\$38,263.44	\$1,782.48	\$40,045.92
Jan 2024	\$2,580.76	\$0.00	\$2,580.76
Dec 2024	\$38,263.45	\$1,782.48	\$40,045.93
Dec 2025	\$38,263.45	\$1,782.48	\$40,045.93
Dec 2026	\$38,263.45	\$1,782.48	\$40,045.93
Dec 2027	\$38,263.45	\$1,782.56	\$40,046.01
Total	\$193,898.00	\$8,912.48	\$202,810.48

Quote Unbundled Price: \$187,409.90
 Quote List Price: \$198,430.10
 Quote Subtotal: \$193,898.00

Pricing

All deliverables are detailed in Delivery Schedules section lower in proposal

Item	Description	Qty	Term	Unbundled	List Price	Net Price	Subtotal	Tax	Total
Program									
IR1CB	Interview Room 1 Camera Essential	4	60	\$294.71	\$322.00	\$322.18	\$77,322.76	\$3,456.95	\$80,779.71
IR1CB	Interview Room 1 Camera Essential	5	60	\$321.67	\$316.75	\$308.88	\$2,662.79	\$4,377.22	\$97,040.01
IR1CB	Interview Room 1 Camera Essential	1	60	\$299.53	\$398.64	\$398.54	\$23,912.45	\$1,078.31	\$24,990.76
A la Carte Hardware									
74118	INTERVIEW - ENCLOSURE - THERMOSTAT	1			\$238.67	\$0.00	\$0.00	\$0.00	\$0.00
50364	INTERVIEW - MIC - LINE POWERED	9			\$218.67	\$0.00	\$0.00	\$0.00	\$0.00
Total							\$193,898.00	\$5,912.48	\$202,810.48

Delivery Schedule

Hardware

Bundle	Item	Description	QTY	Estimated Delivery Date
Interview Room 1 Camera Essential	50114	INTERVIEW - CAMERA - COVERT SENSOR	1	12/01/2023
Interview Room 1 Camera Essential	50118	INTERVIEW - MIC - WIRED (STANDARD MIC)	1	12/01/2023
Interview Room 1 Camera Essential	50218	INTERVIEW - CAMERA - COVERT MAIN UNIT	1	12/01/2023
Interview Room 1 Camera Essential	50298	INTERVIEW - CAMERA - OVERT DOME	5	12/01/2023
Interview Room 1 Camera Essential	50298	INTERVIEW - CAMERA - OVERT DOME	4	12/01/2023
A la Carte	50364	INTERVIEW - MIC - LINE POWERED	9	12/01/2023
A la Carte	74118	INTERVIEW - ENCLOSURE - THERMOSTAT	1	12/01/2023

Software

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
Interview Room 1 Camera Essential	50037	INTERVIEW - SOFTWARE - CLIENT (PER TOUCH PANEL-PC)	5	01/01/2024	12/31/2028
Interview Room 1 Camera Essential	50037	INTERVIEW - SOFTWARE - CLIENT (PER TOUCH PANEL-PC)	1	01/01/2024	12/31/2028
Interview Room 1 Camera Essential	50037	INTERVIEW - SOFTWARE - CLIENT (PER TOUCH PANEL-PC)	4	01/01/2024	12/31/2028
Interview Room 1 Camera Essential	50039	INTERVIEW - SOFTWARE - CLIENT MAINTENANCE (PER TOUCH PANEL-P	5	01/01/2024	12/31/2028
Interview Room 1 Camera Essential	50039	INTERVIEW - SOFTWARE - CLIENT MAINTENANCE (PER TOUCH PANEL-P	1	01/01/2024	12/31/2028
Interview Room 1 Camera Essential	50039	INTERVIEW - SOFTWARE - CLIENT MAINTENANCE (PER TOUCH PANEL-P	4	01/01/2024	12/31/2028
Interview Room 1 Camera Essential	50041	INTERVIEW - SOFTWARE - STREAMING SERVER LICENSE (PER SERVER)	2	01/01/2024	12/31/2028
Interview Room 1 Camera Essential	50043	INTERVIEW - SOFTWARE - STREAMING SERVER MAINTENANCE (PER SER	2	01/01/2024	12/31/2028
Interview Room 1 Camera Essential	50045	UNLIMITED INTERVIEW ROOM CLOUD STORAGE	5	01/01/2024	12/31/2028
Interview Room 1 Camera Essential	50045	UNLIMITED INTERVIEW ROOM CLOUD STORAGE	1	01/01/2024	12/31/2028
Interview Room 1 Camera Essential	50045	UNLIMITED INTERVIEW ROOM CLOUD STORAGE	4	01/01/2024	12/31/2028
Interview Room 1 Camera Essential	73840	EVIDENCE.COM BASIC ACCESS LICENSE	1	01/01/2024	12/31/2028

Services

Bundle	Item	Description	QTY
Interview Room 1 Camera Essential	85170	INTERVIEW - SERVICE - STANDARD INSTALL AND SETUP (PER ROOM)	5
Interview Room 1 Camera Essential	85170	INTERVIEW - SERVICE - STANDARD INSTALL AND SETUP (PER ROOM)	4
Interview Room 1 Camera Essential	85170	INTERVIEW - SERVICE - STANDARD INSTALL AND SETUP (PER ROOM)	1

Warranties

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
Interview Room 1 Camera Essential	50448	EXT WARRANTY, INTERVIEW ROOM	5	01/01/2024	12/31/2028

Warranties

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
Interview Room 1 Camera Essential	50448	EXT WARRANTY, INTERVIEW ROOM	4	01/01/2024	12/31/2028
Interview Room 1 Camera Essential	50448	EXT WARRANTY, INTERVIEW ROOM	1	01/01/2024	12/31/2028

Payment Details

Dec 2023		Description		Qty	Subtotal	Tax	Total
Invoice Plan	Item						
Year 1	50364	INTERVIEW - MIC - LINE POWERED		9	\$0.00	\$0.00	\$0.00
Year 1	74118	INTERVIEW - ENCLOSURE - THERMOSTAT		1	\$0.00	\$0.00	\$0.00
Year 1	IR1CB	Interview Room 1 Camera Essential		4	\$15,088.92	\$691.39	\$15,760.31
Year 1	IR1CB	Interview Room 1 Camera Essential		1	\$4,661.96	\$215.66	\$4,877.62
Year 1	IR1CB	Interview Room 1 Camera Essential		5	\$18,532.57	\$875.43	\$19,408.00
Total					\$38,263.45	\$1,782.48	\$40,045.93

Jan 2024		Description		Qty	Subtotal	Tax	Total
Invoice Plan	Item						
Invoice Upon Fulfillment	IR1CB	Interview Room 1 Camera Essential		4	\$1,978.12	\$0.00	\$1,978.12
Invoice Upon Fulfillment	IR1CB	Interview Room 1 Camera Essential		1	\$602.84	\$0.00	\$602.84
Total					\$2,580.96	\$0.00	\$2,580.96

Dec 2024		Description		Qty	Subtotal	Tax	Total
Invoice Plan	Item						
Year 2	50364	INTERVIEW - MIC - LINE POWERED		9	\$0.00	\$0.00	\$0.00
Year 2	74118	INTERVIEW - ENCLOSURE - THERMOSTAT		1	\$0.00	\$0.00	\$0.00
Year 2	IR1CB	Interview Room 1 Camera Essential		4	\$15,088.92	\$691.39	\$15,760.31
Year 2	IR1CB	Interview Room 1 Camera Essential		1	\$4,661.86	\$215.66	\$4,877.62
Year 2	IR1CB	Interview Room 1 Camera Essential		5	\$18,532.57	\$875.43	\$19,408.00
Total					\$38,263.45	\$1,782.48	\$40,045.93

Dec 2025		Description		Qty	Subtotal	Tax	Total
Invoice Plan	Item						
Year 3	50364	INTERVIEW - MIC - LINE POWERED		9	\$0.00	\$0.00	\$0.00
Year 3	74118	INTERVIEW - ENCLOSURE - THERMOSTAT		1	\$0.00	\$0.00	\$0.00
Year 3	IR1CB	Interview Room 1 Camera Essential		4	\$15,088.92	\$691.39	\$15,760.31
Year 3	IR1CB	Interview Room 1 Camera Essential		1	\$4,661.96	\$215.66	\$4,877.62
Year 3	IR1CB	Interview Room 1 Camera Essential		5	\$18,532.57	\$875.43	\$19,408.00
Total					\$38,263.45	\$1,782.48	\$40,045.93

Dec 2026		Description		Qty	Subtotal	Tax	Total
Invoice Plan	Item						
Year 4	50364	INTERVIEW - MIC - LINE POWERED		9	\$0.00	\$0.00	\$0.00
Year 4	74118	INTERVIEW - ENCLOSURE - THERMOSTAT		1	\$0.00	\$0.00	\$0.00
Year 4	IR1CB	Interview Room 1 Camera Essential		4	\$15,088.92	\$691.39	\$15,760.31
Year 4	IR1CB	Interview Room 1 Camera Essential		1	\$4,661.96	\$215.66	\$4,877.62
Year 4	IR1CB	Interview Room 1 Camera Essential		5	\$18,532.57	\$875.43	\$19,408.00
Total					\$38,263.45	\$1,782.48	\$40,045.93

Dec 2027					
Invoice Plan	Item	Description	Qty	Subtotal	Tax
Year 5	50384	INTERVIEW - MIC - LINE POWERED	9	\$0.00	\$0.00
Year 5	74118	INTERVIEW - ENCLOSURE - THERMOSTAT	1	\$0.00	\$0.00
Year 5	IR1CB	Interview Room 1 Camera Essential	4	\$15,089.92	\$691.39
Year 5	IR1CB	Interview Room 1 Camera Essential	5	\$18,532.57	\$875.50
Year 5	IR1CB	Interview Room 1 Camera Essential	1	\$4,661.96	\$215.67
Total				\$38,283.45	\$1,782.56
					\$40,066.01

Tax is estimated based on rates applicable at date of quote and subject to change at time of invoicing. If a tax exemption certificate should be applied, please submit prior to invoicing.

Standard Terms and Conditions

Axon Enterprise Inc. Sales Terms and Conditions

Axon Master Services and Purchasing Agreement:

This Quote is limited to and conditional upon your acceptance of the provisions set forth herein and Axon's Master Services and Purchasing Agreement (posted at www.axon.com/legal/sales-terms-and-conditions), as well as the attached Statement of Work (SOW) for Axon Fleet and/or Axon Interview Room purchase, if applicable. In the event you and Axon have entered into a prior agreement to govern all future purchases, that agreement shall govern to the extent it includes the products and services being purchased and does not conflict with the Axon Customer Experience Improvement Program Appendix as described below.

ACEIP:

The Axon Customer Experience Improvement Program Appendix, which includes the sharing of de-identified segments of Agency Content with Axon to develop new products and improve your product experience (posted at www.axon.com/legal/sales-terms-and-conditions), is incorporated herein by reference. By signing below, you agree to the terms of the Axon Customer Experience Improvement Program.

Acceptance of Terms:

Any purchase order issued in response to this Quote is subject solely to the above referenced terms and conditions. By signing below, you represent that you are lawfully able to enter into contracts. If you are signing on behalf of an entity (including but not limited to the company, municipality, or government agency for whom you work), you represent to Axon that you have legal authority to bind that entity. If you do not have this authority, please do not sign this Quote.

Signature

Date Signed

6/30/2023





Kannapolis City Council

City Council Agenda Staff Report

August 28, 2023

To: Mayor and City Council
From: Bridgette Bell, City Clerk
Subject: August 14, 2023 Work Session Minutes

Action Requested by City Council

Required Votes to Pass Required Action

Background

Fiscal Implications

Policy Issues

Legal Issues

Recommendations and Alternate Courses of Action

Attachments

1. 08-14-2023Work Session Minutes



Kannapolis City Council

City Council Agenda Staff Report

August 28, 2023

To: Mayor and City Council
From: Bridgette Bell, City Clerk
Subject: August 14, 2023 Work Session Minutes

Action Requested by City Council

Required Votes to Pass Required Action

Background

Fiscal Implications

Policy Issues

Legal Issues

Recommendations and Alternate Courses of Action

Attachments

1. 08-14-2023 Work Session Minutes

**CITY OF KANNAPOLIS
CITY COUNCIL MEETING
WORK SESSION MINUTES
August 14, 2023**

A regular work session meeting of the City Council of the City of Kannapolis was held on Monday, August 14, 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
	Terry Spry	David Hancock
	Tony Eury	Gary Mills
	Greg Summitt	Tracy Winecoff
	Alex Anderson	Michael Rattler
	Kirk Beard	

Others Present:	Bob Doty	Justin Lawrence
	Paige Gaskins	Briana Harris
	Kyra Roberts	Samantha Griffin

RECOGNITIONS:

Deputy City Manager Smith introduced Albaro Reyesmartinez, who is a North Carolina Fellows recipient. The NC Fellow program introduces graduates into the field of local government. Albaro

1 is a UNC-Greensboro graduate with a degree in political science and will be with the City for a
2 year.

3
4 **APPROVAL OF AGENDA**

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

7
8 **CONSENT AGENDA:**

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

11
12 First Reading- Text Amendment TA-2023-02 - Legacy CD Zoning District Amendments (Richard
13 Smith, Planning Director) (Copy included as Exhibit A)

14
15 Lease Agreement - Amend the Vietnam Veterans Park Agreement with Cabarrus County (Gary
16 Mills, Parks & Recreation Director) (Copy included as Exhibit B)

17
18 Voluntary Annexation - Resolution directing the City Clerk to investigate and Certify the
19 Sufficiency of Petition and Adopt a Resolution of Intent to Annex and fix date of Public Hearing
20 of approximately 9.7 acres of non-contiguous property located at 9600 Davidson Highway
21 (Richard Smith, Planning Director) (Copy included as Exhibit C)

22
23 Voluntary Annexation - Resolution directing the City Clerk to investigate and Certify the
24 Sufficiency of the Petition and Adopt a Resolution of Intent to Annex and fix date of Public
25 Hearing of approximately 1.06 acres of non-contiguous property located at 3495 Shiloh Church
26 Road (Richard Smith, Planning Director) (Copy included as Exhibit D)

27
28 July 10, 2023, Work Session Minutes (Bridgette Bell, City Clerk)

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

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

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

32
33 **BUSINESS AGENDA:**

34 **Presentation/Discussion - Stormwater Improvement Discussion (Michael Rattler, Director**
35 **of Transportation & Environmental Services, Wilmer Melton, Assistant City Manager)**
36 **(Copy included as Exhibit E)**

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

1 The City's current stormwater program **does not address water quantity** (flooding, erosion, and
2 similar impacts). The City is confronted with unique challenges relative to stormwater
3 management.

4
5 as there are numerous older developments adjacent to the many streams that flow through the City.
6 These developments were built in a time when there was little thought given to stormwater runoff
7 - many before the City's incorporation. These historically unregulated developments have created
8 issues with the quantity of stormwater runoff on adjacent properties.

9
10 The City's challenge is to address these issues by implementing drainage projects that capture
11 stormwater in new piping upstream from properties that are experiencing heavy runoff. This flow
12 can be re-directed around these downstream properties and then discharged into natural drainage
13 outfalls. By addressing these runoff issues, the City can create opportunities for new development
14 or re-development of properties that are currently undesirable.

15
16 In addition to providing new storm drainage systems, the City must also be diligent to address
17 existing undersized and failing storm drains. While these systems may be adequate for the areas
18 they capture, the development of the watersheds has converted the natural landscape into
19 impervious areas. This conversion from woodland and grass to roof tops and asphalt decreases the
20 amount of time stormwater takes to reach these systems and in turn increases the intensity of runoff
21 and sediment load in the pipe systems. The City must continue to maintain existing storm drainage
22 infrastructure and upsize the system as necessary to provide opportunities for future development.

23
24 Mr. Rattler provided a power point presentation on the Stormwater Program and Private Property
25 Concerns.

26 27 Stormwater Program Summary

28 • Stormwater is also required to meet the (6) six minimum measurements according to our
29 NPDES Phase II permit. This includes:

- 30 • Public education and outreach
- 31 • Public participation/involvement
- 32 • Illicit discharge detection and elimination
- 33 • Construction site runoff control
- 34 • Post construction runoff control
- 35 • Pollution prevention/good housekeeping

36 Stormwater is tasked with working within the street right-of-way and permanent, dedicated,
37 stormwater drainage easements. (Ord. No. 2007-03)

- 38 • Response to resident's concerns.
- 39 • Street Sweeping and Leaf Collection and Jetting
- 40 • Infrastructure Inspection and Maintenance

- SCMs, catch basins, culverts, ditches, pipes.
- Publicly Dedicated Easement

Mr. Rattler explained the process of publicly dedicated easements and private property conveyances. Regarding private property and water runoff, it becomes the responsibility of the respective property owner. There are currently 382 private property drainage concerns recorded (2019-YTD-2023). Estimated cost of remedy is \$20 million. Examples of private property concerns was illustrated in the power point.

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. The three study areas Study Area 1 – Peach Street. Study Area 2 – Marie Avenue. Study Area 3 – Breckinridge.

Options and Recommendations:

Tasks Underway:

- Public Stormwater system inventory will be completed FY2014.
- Impervious Area Audit results in FY2014
- Resizing the amounts paid

Recommendations:

- Comprehensive Stormwater master plan is needed.
- Continue maintenance of public drainage of infrastructure
- Allow property owners to continue to maintain private drainage system.
- Consider re-establishing the Stormwater Advisory/Environmental Stewardship Committee to review the community needs of the stormwater program to make recommendations to City Council.

Council Member Dayvault asked what is the outcome of the study? Mr. Rattler explained it is the intent of the study to better identify the problems and recommendations. Staff will then bring back to Council for consideration.

Council Member Wilson feels that sometimes Council needs to step back and ask, “What can we do to improve these areas”. It could be that less money is spent on other things.

1 Mr. Legg stated if this is an option Council wishes to consider, Staff needs to know now. In the
2 upcoming months, Council will be presented some big-ticket items with decisions to be made.

3
4 Mr. Rattler stated that an engineering company has been hired to conduct the study. Mr. Legg
5 stated this is a start of a long-term project.

6
7 Council Member Dayvault stated one of the recommendations is to allow property owners to
8 continue to maintain private drainage systems, but it won't happen. Just look at all the problems
9 that exist. He feels there is a lot of low hanging fruit that is probably in the list of 382 drainage
10 concerns. There may be some things that can be done quickly and fix what we can now. Most
11 people will not give up their property for an easement. Mr. Dayvault about the COVID-19 relief
12 funds if some of the funds could be used for these projects. Mr. Legg explained that the money is
13 earmarked in the City's six-year financial plan for parks, greenways, and other things. Council
14 could take some or of all the monies but would mean four or five of the financial plan projects
15 would be pushed out.

16
17 Mr. Dayvault said the issue is when someone calls, the City goes out and still can't do anything.
18 Perhaps an option is to offer service the property owner with minimum costs.

19
20 Mayor Hinnant asked Council if they would be interested in offering a public-private partnership,
21 thereby offering the property owner an opportunity to participate in splitting the cost.

22
23 Mr. Legg stated there are ways to do it, through assessments and other things. It may be that the
24 property owner is allowed to pay back over 10 or 15 years.

25
26 Council Member Dixon stated one of the recommendations to consider is to re-establish the
27 Stormwater Advisory/Environmental Stewardship. She asked how that would benefit the City.
28 Mr. Rattler explained is a form of a stake-holders committee that would offer a voice in the
29 community and could make recommendations based on what they see in the field.

30
31 Mr. Legg noted there were a lot of things that came out of the strategic planning process that needs
32 to be explored, not only stormwater, but environmental topics.

33
34 Council Member Berry asked how long it will be before the survey is completed.

35
36 Mr. Melton responded it will be about 12 months on the stormwater evaluation and part of it is
37 going out and surveying the area.

38
39 Mr. Legg noted Staff will bring back recommendations later.

40
41 **Presentation/Discussion - Main Street Improvements (Wilmer Melton, Assistant City**

Manager, Irene Sacks, Director of Economic & Community Development) (Copy included as Exhibit F)

Mrs. Sacks stated Council has heard a previous downtown parking presentation that included a concept to enhance the public spaces in front of businesses on Main Street like 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, Staff has developed several options for further consideration.

Mr. Melton provided a power point presentation outlining several options for Council consideration.

Mr. Melton explained that this sketch shows the existing storm system that goes under the road.

Mr. Melton presented a sketch of S. Main Street showing the proposed storm and proposed storm and irrigation. Mr. Melton recommended running the storm drainage out into Main Street and tying it into the existing storm system.

Option A1 – (option on curb move) Design and Construction Cost \$500,000 (excludes site furnishings, lighting and electrical)

- Curb moved as permanent condition.
- +/- 8' wide elevated amenity area
- Permanent bollards, fencing and walls.
- Elevated hardscape safest for pedestrians
- Requires moving storm utilities.
- Curb adjustment allows for food truck parking and loading purposes.
- To include irrigation for planter pots and street trees
- Existing pedestrian light (TYP)
- Concrete pavers type 01 (TYP)
- Dining Area
- Flex seating/lounge
- Bar seating
- Bench seating
- Food truck area
- Barrier Rhythm with all and fencing (TYP) = 200lf total along street
- Planter (TYP)
- New curb line (TYP)
- Bollards

Option A2– Has trees and irrigation along Main Street. Design and construction costs +/- \$600,000

- Curb moved as permanent condition.
- +/- 8' wide elevated amenity area
- Permanent bollards, fencing and walls.
- Elevated hardscape safest for pedestrians
- Requires moving storm utilities.
- Curb adjustment allows for food truck parking and loading purposes.
- To include irrigation for planter pots and street trees

Option B – Elevated Decking. Curb remains in existing location. Design and Construction \$200,000

- +8" wide elevated amenity area with modular decking
- Elevated decking allowing drainage under decking.
- Heavy Duty Planters as Pedestrian protection
- Extra Pedestrian protection encroaches on usable amenity space.
- Limited loading space for food truck

Mr. Melton reviewed the options again.

Option A1- (Curb Move) Pictures denoting various pictures.

A.1 creates opportunities for unloading

A street to S. Main Street move curb line to allow more room for tables.

Rendering shows where the storm relocation and roadway plan

Option A.2 - Adds trees and irrigation along Main and offer some shade.

Option 1 & 2 cost between \$500,000 to \$600,000.

Option B. - Design and construction less permanent. Create parklets (Planners)

Can remove. Cost \$200,000. Don't have to move infrastructure. Storm water goes underneath.

Less expensive, but more challenges.

Following general discussion, it was the consensus of Council that Staff move forward on Option

A-1. Mr. Legg noted that Staff will talk with Business owners and get their thoughts.

Mr. Melton stated there has been concerns expressed regarding the speed limit on Main Street, from DE Blvd to Main Street. The speed limit is currently 30MPH. After a six-day time frame, (144 hours), there were 24,594 vehicles, 35,000 cars with 87.6% below the posted speed limit. It is recommended a lower speed limit as consideration for enhanced safety. Chief Spry recommends dropping speed limit from 30MPH to 25MPH. Mr. Melton concurred.

1 Council Member Dayvault asked that Staff look at the intersection of Laureate Way and West
2 Avenue, there is a big planter on both sides of West Avenue. The trees have gotten so big, it blocks
3 the view. Mr. Melton responded he would look at it.
4

5 **CITY COUNCIL COMMENTS:**

6 Council Member Dayvault said he has been contacted by a couple of Veterans about renaming one
7 of the streets downtown to either Veterans Street, road, or some other avenue to honor our
8 Veterans. It was the consensus of Council to direct Staff to investigate the matter of changing one
9 of the downtown streets name to Veterans.
10

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

14 Mayor Pro tem Kincaid made a motion to go into Closed Session pursuant to NCGS 143-318.11
15 (a) (3) to consult with an attorney to preserve the attorney client privilege and NCGS 143.318.11
16 (a) (4) for discussing matters relating to the location or expansion of industries or businesses in the
17 area. Motion was seconded by Council Member Wilson and approved by unanimous vote.
18

19 Council went into closed session at 6:30 PM.
20

21 There being no further business brought before Council, Mayor Pro tem Kincaid made a motion
22 to come out of closed session. Motion was seconded by Council Member Dayvault and approved
23 by unanimous vote.
24

25 Council resumed regular session at 7:56 PM
26

27 There being no further business brought before Council, Council Member Berry made a motion to
28 adjourn. Motion was seconded by Council Member Dixon and approved by unanimous vote.
29

30 The meeting adjourned at 7:56 PM on Monday, August 14, 2023.
31
32
33

34 _____
Milton D. Hinnant, Mayor

35 _____
36 Bridgette Bell, MMC, NCCMC
37 City Clerk
38



Kannapolis City Council

City Council Agenda Staff Report

August 28, 2023

To: Mayor and City Council
From: Bridgette Bell, City Clerk
Subject: August 14, 2023 Closed Session Minutes

Action Requested by City Council

Required Votes to Pass Required Action

Background

Fiscal Implications

Policy Issues

Legal Issues

Recommendations and Alternate Courses of Action

Attachments

None



Kannapolis City Council

City Council Agenda Staff Report

August 28, 2023

To: Mayor and City Council
From: Richard Smith, Planning Director
Subject: **PUBLIC HEARING - (TA-2023-03) Text Amendment** - Legacy CD Zoning District Amendments

Action Requested by City Council

1. Conduct a Public Hearing and consider adoption of Text Amendment TA-2023-02.
2. Consider Resolution to Adopt a Statement of Consistency for TA-2023-02.
3. Consider motion to adopt an Ordinance to Amend text of KDO for 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 unanimously recommended City Council approval of this amendment (TA-2023-02) 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

The Planning & Zoning Commission recommends approval of the proposed text amendment to 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 of the Kannapolis Development Ordinance (KDO), as shown per staff edits.

The following actions are required to approve TA-2023-01 (Recommended):

1. Consider Resolution to adopt a Statement of Consistency for TA-2023-02
2. Consider motion to adopt an Ordinance to amend text of KDO for TA-2023-02.

Alternate actions:

1. Take no action on TA-2023-02
2. Defer action on TA-2023-02
3. Table action on TA-2023-02

Attachments

1. Text Amendment App
2. TA-2023-02 PZ Signed Statement of Consistency
3. TA-2023-02 Statement of Consistency
4. Ordinance_to_amend_text_of_UDO_-_TA_2023-02
5. 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@kannapoliscnc.gov. The fees may also be paid online with a link provided by staff.

APPLICANT

Applicant: Randy Niessner

SUBMITTAL CHECKLIST

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

PROCESS INFORMATION

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

Review Process: All applications will be reviewed for compliance and then forwarded to the Planning and Zoning Commission for consideration at a public hearing which is held monthly on the third Tuesday at 6:00pm in City Hall Laureate Center. 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

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

Email: randyniessner24@gmail.com

Concord, NC, 28027

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

Manager
Property Owner Signature

7/5/2023

Date

MPP Gateway
Retail 2, LLC



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

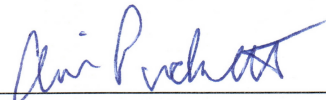
WHEREAS, Section 160A-383 (2013), of the North Carolina General Statutes, modified in Section 160D-605, specifies that the governing board shall also approve a statement describing whether its action is consistent with an adopted comprehensive and any other officially adopted plan that is applicable;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

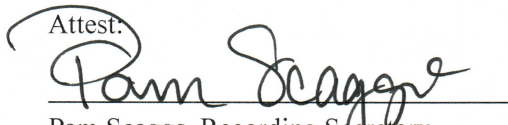
WHEREAS, the Planning and Zoning Commission conducted a Public Hearing on July 18, 2023 for consideration of text amendment Case# TA-2023-02 as submitted by the Planning Department staff;

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



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, after consideration at its July 18, 2023 meeting, recommended City Council adopt text amendment Case# TA-2023-02 as submitted by the Planning Department staff with the required changes; and

WHEREAS, the City Council conducted a Public Hearing on August 28, 2023 for consideration of TA-2023-02 as recommended by the Planning and Zoning Commission,

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

Adopted this the 28th Day of August 2023:

Milton D. Hinnant, Mayor

Attest:

Bridgette Bell, MMC, NCCMC
City Clerk



**AN ORDINANCE TO AMEND TEXT OF THE KANNAPOLIS DEVELOPMENT
ORDINANCE: 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**

CASE # TA-2023-02

WHEREAS, per Section 2.3.A(1)d. of the Kannapolis Development Ordinance (“KDO”), the City Council has final authority on zoning text amendments; and

WHEREAS, per Section 2.3.B(1)b. of the KDO, the Planning and Zoning Commission, at its regular meeting on July 18, 2023, recommended City Council approval of a text amendment amending 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 to allow “Personal vehicle service and repair” in the campus district; and

WHEREAS, City Council conducted a public hearing on August 28, 2023 to consider amendments to the above-referenced Articles of the KDO; and

WHEREAS, the proposed text amendments are consistent with the *Move Kannapolis Forward 2030 Comprehensive Plan*, as well as state statutes, reasonable, and in the public interest, as detailed in the “Resolution to Adopt a Statement of Consistency” for Case # TA-2023-02;

NOW, THEREFORE, BE IT ORDAINED, by the Kannapolis City Council that the above-referenced Articles of the KDO be amended as follows:

The proposed text amendments to the KDO are attached as Exhibit A and shown as **additions**:

ADOPTED this the 28th Day of August 2023:

Milton D. Hinnant, Mayor

ATTEST:

Bridgette Bell, MMC, NCCMC
City Clerk

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-	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 City Council

City Council Agenda Staff Report

August 28, 2023

To: Mayor and City Council

From: Richard Smith, Planning Director

Subject: **PUBLIC HEARING - (A-2023-06) Voluntary Annexation** - Conduct a Public Hearing regarding a request for voluntary annexation of approximately 9.7 acres of contiguous property located at 9600 Davidson Highway and consider a motion to extend the Corporate Limits of the City of Kannapolis

Action Requested by City Council

1. Hold a Public Hearing for Case #A-2023-06 to consider the voluntary annexation of approximately 9.7 acres of contiguous property located at 9600 Davidson Highway and further identified as Cabarrus County Parcel Identification Number 46822015490000.
2. Consider adopting Annexation Ordinance.

Required Votes to Pass Required Action

Majority Present at Meeting

Background

On August 14, 2023, City Council adopted a Resolution of Intent to Annex approximately 9.7 +/- acres of contiguous property located at 9600 Davidson Highway, authorized the Clerk to Investigate the Sufficiency of the Petition and established a public hearing date for August 28, 2023.

The property is further identified as Cabarrus County Parcel Identification Number 46822015490000 and 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-31 et seq., City Council must first direct the City Clerk to investigate the 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 August 14, 2023 meeting, City Council took action on both of the aforementioned items and 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 adopt an Ordinance extending the Corporate Limits of the City of Kannapolis (Recommended)**
2. Take no action.
3. Defer action to a future meeting.

Attachments

1. 9600 Davidson Hwy Petition to Annex signed
2. Survey Map A-2023-06
3. Vicinity Map Color A-2023-06
4. Vicinity Map B/W A-2023-06
5. Vicinity
6. Public Notice Ad
7. A-2023-06 Annexation Ordinance
8. Legal Description Annexation 2023-06



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 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: 8-4-2023



PETITION REQUESTING A CONTIGUOUS ANNEXATION

Approval authority – City of Kannapolis City Council

DATE: 8-4-2023

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

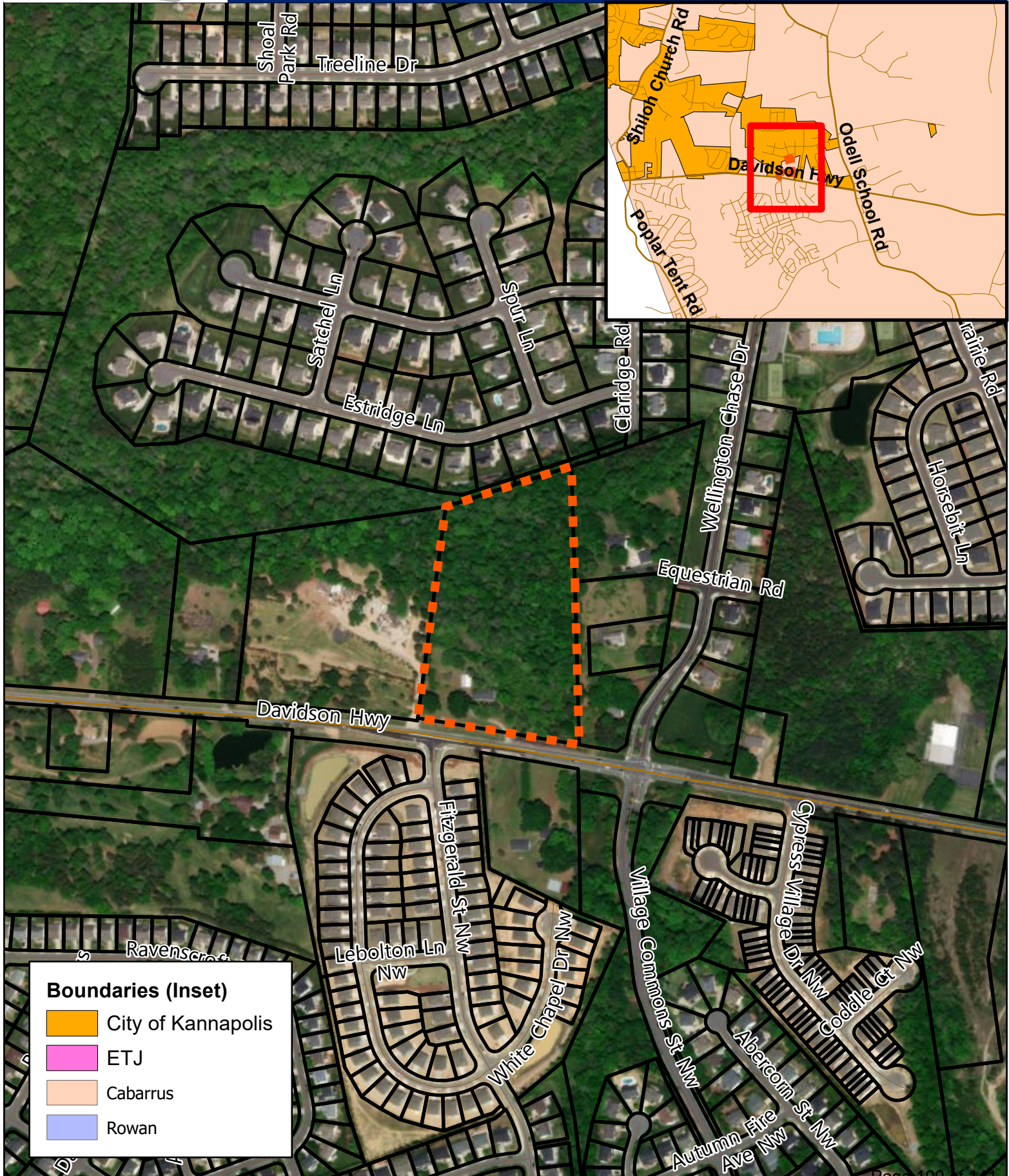
1. We, the undersigned owners of real property respectfully request that the area described in paragraph 2 below be annexed to the City of Kannapolis.
2. The area to be annexed, located at 9600 Davidson HWY, further identified as Cabarrus County Parcel Identification Number 46822015490000, is contiguous 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. <u>SHILPA BAHEN PATEL</u>	<u>1483 COFFEETREE DR. NW.</u>	<u>S.K. Patel</u>
2. _____	<u>Concord, NC 28027</u>	_____
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.







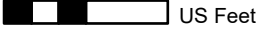
KANNAPOLIS

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

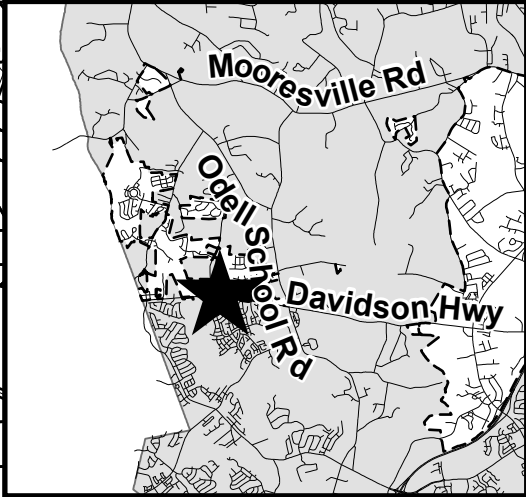
Cabarrus

Rowan

Boundaries (Inset)

City of Kannapolis

ETJ





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



PO Box 27283
Richmond, VA 23261-7283

Order Confirmation

Order# 0000844882

Client: CITY OF KANNAPOLIS
Phone: 7049204300

Payor : CITY OF KANNAPOLIS
Phone: 7049204300

Account: 3143368
Address: BRIDGETTE BELL
KANNAPOLIS NC 28081

Account: 3143368
Address: BRIDGETTE BELL
KANNAPOLIS NC 28081

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

Fax: 7049337463
Email: ap@kannapolisnc.gov

Total Amount \$423.52
Payment Amount \$423.52

Amount Due \$0.00

Tax Amount: 0.00

Payment Meth: Credit - Debit Card

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

Ad Number **Ad Type** **Ad Size** **Color**
0000844882-01 CLS Legal 2 X 43 li \$0.00

Production Method
AdBooker (liner)

Production Notes

Product and Zone	Placement	Position	# Inserts
CON Independent Trib	C-Legal Ads	Legal Notices	2
Run Schedule Invoice Text: NOTICE OF PUBLIC HEARING 401 Laureate Way,			
Run Dates 8/18/2023, 8/25/2023			

Product and Zone	Placement	Position	# Inserts
NCC Online	C-Legal Ads	Legal Notices	7
Run Schedule Invoice Text: NOTICE OF PUBLIC HEARING 401 Laureate Way,			
Run Dates 8/18/2023, 8/19/2023, 8/20/2023, 8/21/2023, 8/22/2023, 8/23/2023, 8/24/2023			

TagLine: NOTICEOFPUBLICHEARING401LAUREATEWAYKANNAPOLISNCCITYCOUN
T282023AT600PMVOLUNTARYANNEXATIONA202306PUBLICHE



NOTICE OF PUBLIC HEARING
401 Laureate Way, Kannapolis, NC

City Council Meeting
Monday August 28, 2023 at 6:00 pm

Voluntary Annexation A-2023-06 - Public Hearing to consider the voluntary noncontiguous annexation of approximately 9.7 +/- acres located at 9600 Davidson Highway and further identified as Cabarrus County Parcel Identification Number 46822015490000.

Voluntary Annexation A-2023-07 - Public Hearing to consider the voluntary noncontiguous annexation of approximately 1.06 +/- acres located at 3495 Shiloh Church Road and further identified as Cabarrus County Parcel Identification Number 4672672440000.

Text Amendment TA-2023-02 - Public Hearing to consider text amendments 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 of the Kannapolis Development Ordinance.

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

Publish: August 18, 25, 2023.

Page 103 of 141

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS
OF THE CITY OF KANNAPOLIS, NORTH CAROLINA**
Annexation 2023-06

WHEREAS, pursuant to Chapter 160A-31 *et seq*, the City Council has stated its intent to annex contiguous property as described below; and

WHEREAS, the City Council has by resolution set and held a public hearing on the question of this annexation at Kannapolis City Hall, located at 401 Laureate Way at 6:00 PM on the 28th day of August 2023, after due notice by the Independent Tribune newspaper on the 18th and 25th days of August; and

WHEREAS, the City Council finds that the public health, safety and welfare of the City of Kannapolis, North Carolina and of the area proposed for annexation will be best served by annexing the area described.

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

Section 1. By virtue of the authority granted pursuant to N.C.G.S. Chapter 160A-31 *et seq*, the following described territory is hereby annexed and made part of the City of Kannapolis, North Carolina as of the 28th day of August 2023, and being more particularly described as Cabarrus County Parcel Identification Number 46822015490000.

SEE METES & BOUNDS DESCRIPTION AND SURVEY

Section 2. Upon and after the 28th day of August 2023, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Kannapolis, North Carolina and shall be entitled to the same privileges and benefits as other parts of the City of Kannapolis, North Carolina. Said territory shall be subject to municipal taxes according to G.S. 160A-58.3.

Section 3. The Mayor of the City of Kannapolis, North Carolina shall cause to be recorded in the office of the Register of Deeds of Cabarrus County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Board of Elections, as required by G.S. 163-288.1.

Adopted this 28th day of August 2023

Milton D. Hinnant, Mayor
City of Kannapolis

ATTEST:

Bridgette Bell, MMC, NCCMC
City Clerk

APPROVED AS TO FORM:

Walter M. Safrit, City Attorney

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.



Kannapolis City Council

City Council Agenda Staff Report

August 28, 2023

To: Mayor and City Council

From: Richard Smith, Planning Director

Subject: **PUBLIC HEARING - (A-2023-07) Voluntary Annexation** - Conduct a Public Hearing regarding a request for voluntary annexation of approximately 1.06 +/- acres of non-contiguous property located at 3495 Shiloh Church Road and consider a motion to extend the Corporate Limits of the City of Kannapolis

Action Requested by City Council

1. Hold a Public Hearing for Case #A-2023-07 to consider the voluntary annexation of approximately 1.06 +/- acres of non-contiguous property located at 3495 Shiloh Church Road and further identified as Cabarrus County Parcel Identification Number 46726724470000 .
2. Consider adopting the Annexation Ordinance.

Required Votes to Pass Required Action

Majority Present at Meeting

Background

On August 14, 2023, City Council adopted a Resolution of Intent to Annex approximately 1.06 +/- acres of noncontiguous property located at 3495 Shiloh Church Road, authorized the Clerk to Investigate the Sufficiency of the Petition and established a public hearing date for August 28, 2023.

The property is further identified as Cabarrus County Parcel Identification Number 46726724470000 and 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. At its August 14, 2023 meeting, City Council took action on both of the aforementioned items and set the public hearing date for August 28, 2023.

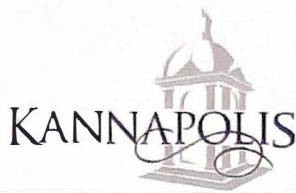
As is required by the North Carolina General Statutes, an initial zoning designation will be applied to the property by the Planning and Zoning Commission within 60 days of the effective date of the annexation.

Recommendations and Alternate Courses of Action

1. **Motion to adopt an Ordinance extending the Corporate Limits of the City of Kannapolis (recommended).**
2. Take no action.
3. Defer action to a future meeting.

Attachments

1. Petition for Contiguous Annexation
2. 3495 Shiloh Church Rd. Boundary Survey
3. Warranty Deed pg 1 of 2
4. Warranty Deed pg 2 of 2
5. A-2023-07
6. A-2023-07-BW
7. Vicinity
8. Public Notice Ad
9. A-2023-07 Annexation Ordinance
10. Metes and Bounds Exhibit A



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

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

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

PROCESS INFORMATION

Annexation involves two (2) separate City Council meetings:

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

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

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

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

Applicant's Signature: 

Date: 8/3/23



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.

	<u>Name</u> (print or type)	<u>Address</u>	<u>Signature*</u>
1.	<u>EMIL BEC</u>	<u>119 Cairo Ct. Mooresville, NC 28115</u>	<u>[Signature]</u>
2.	<u>Monica R. Bec</u>	<u>119 Cairo Ct. Mooresville NC 28115</u>	<u>[Signature]</u>
3.	_____	_____	_____
4.	_____	_____	_____

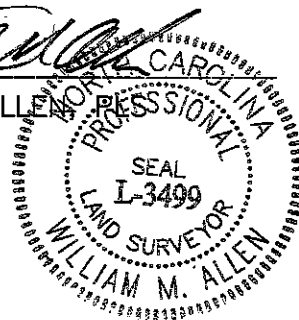
*Family members (e.g., husbands and wives) need to sign separately. Signatures for corporations, institutions, etc., are by those with the authority to sign legal documents.

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

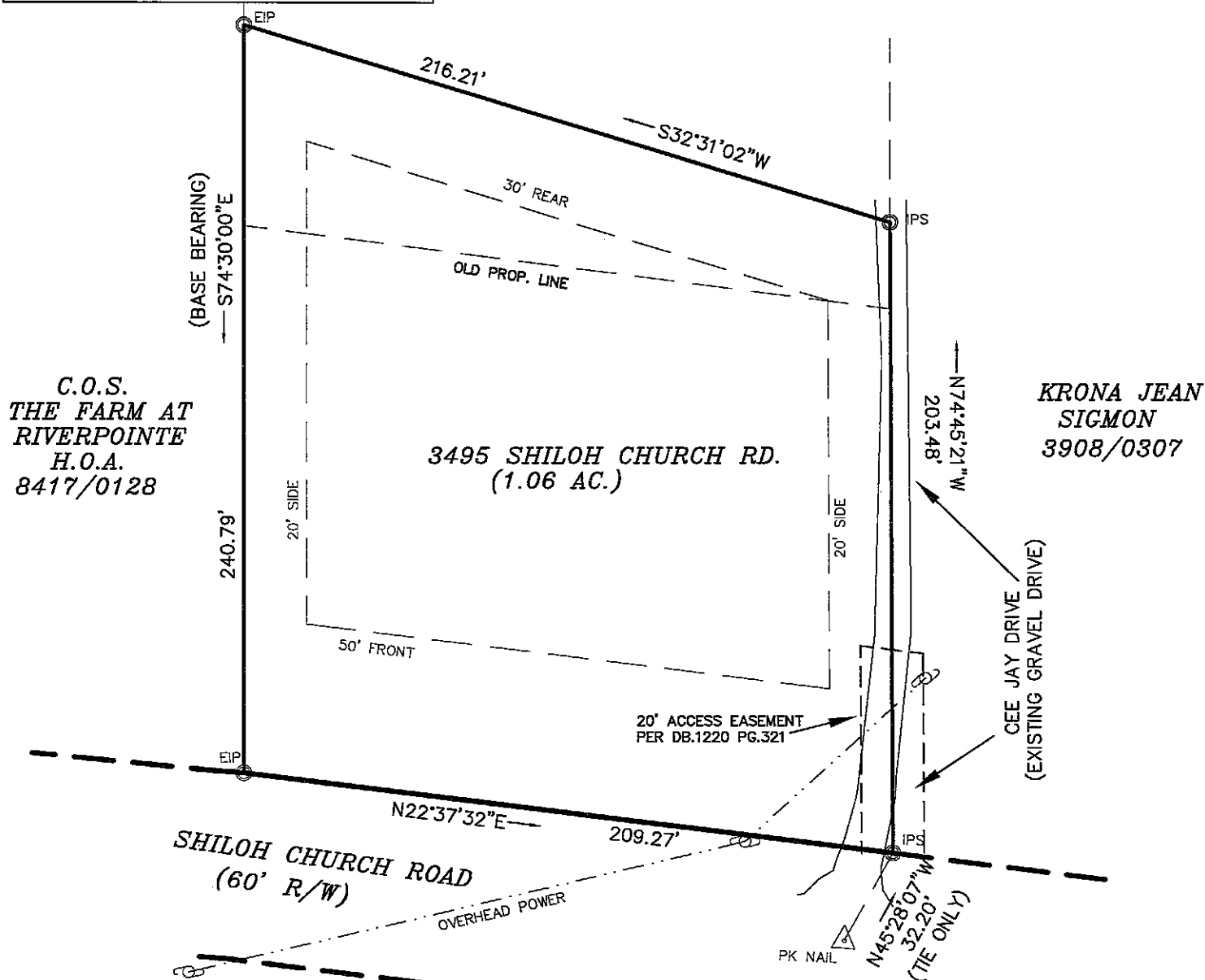
my hand and seal on the 27, day of APRIL,
A.D. 2022.



WILLIAM M. ALL



MYRA F. TRULL
6583/0001



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

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

0' 25' 50' 100'

SCALE IN FEET

SCALE 1" = 50'

ACQUIRED BY:

BOUNDARY SURVEY

OF
3495 SHILOH CHURCH ROAD
PARCEL #: 4672672447

NO.3 TWSP., CABARRUS CO., N.C.

EMIL & MONICA R. BEC

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

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

Roger D. Hudson and Shirley F. Hudson, husband and
wife
3460 Shiloh Church Road
Davidson, NC 28036

GRANTEE

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.

NC Bar Association Form No. 3 © Revised 7/2013
Printed by Agreement with the NC Bar Association

North Carolina Bar Association - NC Bar Form No. 3
North Carolina Association of Realtors, Inc. - Standard Form 3

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

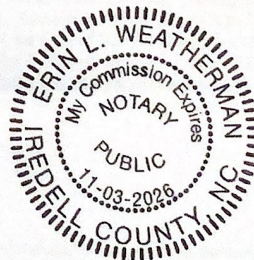
Shirley F. Hudson (SEAL)
Shirley F. Hudson

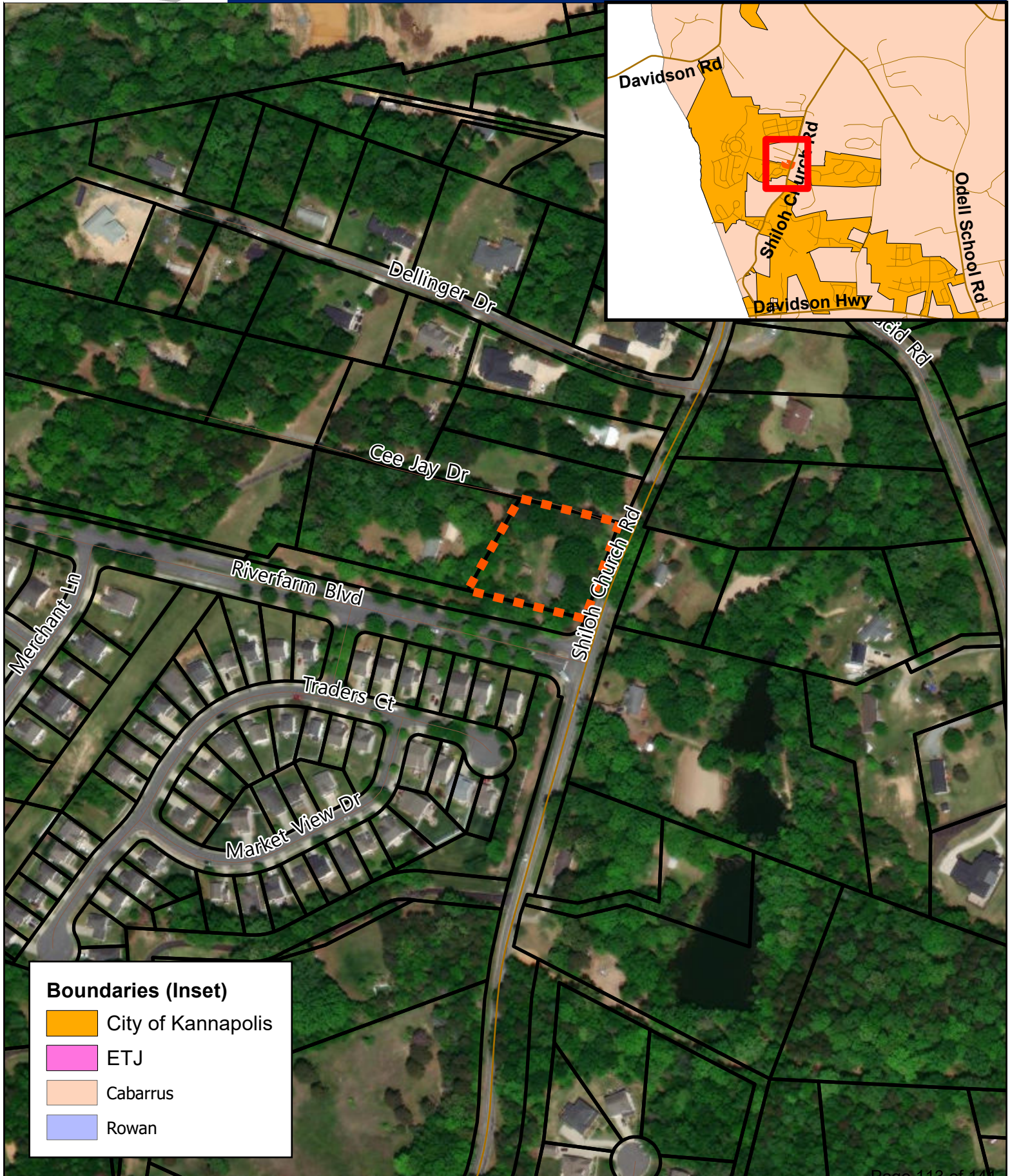
State of North Carolina - County of Iredell

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

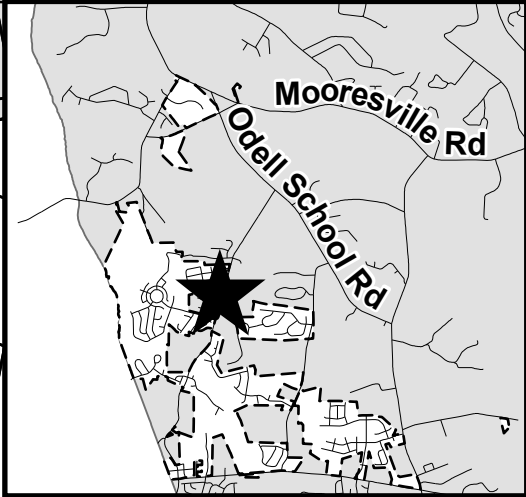
Erin L. Weatherman
Notary Public





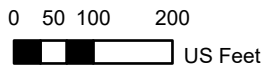
Boundaries (Inset)

- City of Kannapolis
- ETJ
- Cabarrus
- Rowan

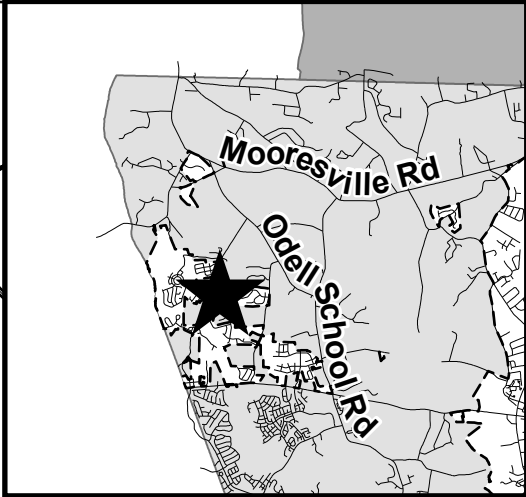


Vicinity Map

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

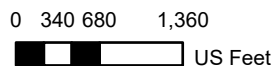


- | | |
|-----------------------|--------------------|
| — Streets | Cabarrus |
| Parcels | Rowan |
| Voluntary Annexations | Boundaries (Inset) |
| City of Kannapolis | City of Kannapolis |
| | ETJ |



Vicinity Map

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



- Streets
- Parcels
- Voluntary Annexations
- City of Kannapolis

- Inset Map**
- Cabarrus
 - Rowan
 - Boundaries (Inset)
 - City of Kannapolis
 - ETJ



PO Box 27283
Richmond, VA 23261-7283

Order Confirmation

Order# 0000844882

Client: CITY OF KANNAPOLIS
Phone: 7049204300

Payor : CITY OF KANNAPOLIS
Phone: 7049204300

Account: 3143368
Address: BRIDGETTE BELL
KANNAPOLIS NC 28081

Account: 3143368
Address: BRIDGETTE BELL
KANNAPOLIS NC 28081

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

Fax: 7049337463
Email: ap@kannapolisnc.gov

Total Amount \$423.52
Payment Amount \$423.52

Amount Due \$0.00

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

Tax Amount: 0.00
Payment Meth: Credit - Debit Card

Ad Number **Ad Type** **Ad Size** **Color**
0000844882-01 CLS Legal 2 X 43 li \$0.00

Production Method
AdBooker (liner)

Production Notes

Product and Zone	Placement	Position	# Inserts
CON Independent Trib	C-Legal Ads	Legal Notices	2
Run Schedule Invoice Text: NOTICE OF PUBLIC HEARING 401 Laureate Way,			
Run Dates 8/18/2023, 8/25/2023			

Product and Zone	Placement	Position	# Inserts
NCC Online	C-Legal Ads	Legal Notices	7
Run Schedule Invoice Text: NOTICE OF PUBLIC HEARING 401 Laureate Way,			
Run Dates 8/18/2023, 8/19/2023, 8/20/2023, 8/21/2023, 8/22/2023, 8/23/2023, 8/24/2023			

TagLine: NOTICEOFPUBLICHEARING401LAUREATEWAYKANNAPOLISNCCITYCOUN
T282023AT600PMVOLUNTARYANNEXATIONA202306PUBLICHE



NOTICE OF PUBLIC HEARING 401 Laureate Way, Kannapolis, NC

City Council Meeting
Monday August 28, 2023 at 6:00 pm

Voluntary Annexation A-2023-06 - Public Hearing to consider the voluntary noncontiguous annexation of approximately 9.7 +/- acres located at 9600 Davidson Highway and further identified as Cabarrus County Parcel Identification Number 46822015490000.

Voluntary Annexation A-2023-07 - Public Hearing to consider the voluntary noncontiguous annexation of approximately 1.06 +/- acres located at 3495 Shiloh Church Road and further identified as Cabarrus County Parcel Identification Number 4672672440000.

Text Amendment TA-2023-02 - Public Hearing to consider text amendments 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 of the Kannapolis Development Ordinance.

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

Publish: August 18, 25, 2023.

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS
OF THE CITY OF KANNAPOLIS, NORTH CAROLINA**

Annexation 2023-07

WHEREAS, pursuant to Chapter 160A-58 *et seq*, the City Council has stated its intent to annex property as described below; and

WHEREAS, the City Council has by resolution set and held a public hearing on the question of this annexation at Kannapolis City Hall, located at 401 Laureate Way at 6:00 PM on the 28th day of August 2023, after due notice by the Independent Tribune newspaper on the 18th and 25th days of August; and

WHEREAS, the City Council finds that the public health, safety and welfare of the City of Kannapolis, North Carolina and of the area proposed for annexation will be best served by annexing the area described.

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

Section 1. By virtue of the authority granted pursuant to N.C.G.S. Chapter 160A-58 *et seq*, the following described territory is hereby annexed and made part of the City of Kannapolis, North Carolina as of the 28th day of August 2023, and being more particularly described as Cabarrus County Parcel Identification Number 46726724470000.

SEE METES & BOUNDS DESCRIPTION AND SURVEY

Section 2. Upon and after the 28th day of August 2023, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Kannapolis, North Carolina and shall be entitled to the same privileges and benefits as other parts of the City of Kannapolis, North Carolina. Said territory shall be subject to municipal taxes according to G.S. 160A-58.3.

Section 3. The Mayor of the City of Kannapolis, North Carolina shall cause to be recorded in the office of the Register of Deeds of Cabarrus County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Board of Elections, as required by G.S. 163-288.1.

Adopted this 28th day of August 2023

Milton D. Hinnant, Mayor
City of Kannapolis

ATTEST:

Bridgette Bell, MMC, NCCMC
City Clerk

APPROVED AS TO FORM:

Walter M. Safrit, City Attorney

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) S74-45-19 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.



Kannapolis City Council

City Council Agenda Staff Report

August 28, 2023

To: Mayor and City Council

From: Irene Sacks, Director of Economic & Community Development

Subject: **PUBLIC HEARING-** Regarding the Lease of Property at 461 N. Cannon Blvd. and Authorize the City Manager to execute the lease extension.

Action Requested by City Council

1. Hold a public hearing
2. Authorize the City Manager to execute a lease extension for 461 N. Cannon Blvd

Required Votes to Pass Required Action

Majority Present at Meeting

Background

As a result of downtown revitalization projects, the City is the property owner for the College Station shopping center on N. Cannon Blvd, which includes several commercial tenants. Marcos Gonzalez and Paula Beltran have leased 461 N. Cannon Blvd since 2018 for a Western wear and boot store. Their lease expired July 31. City staff is considering a three-year lease extension through July 31, 2026, subject to the tenant being current on rent and prospective new tenant activity. State law requires the City to hold a public hearing for lease terms greater than one year.

Fiscal Implications

Monthly rent would be \$1,250 for the first year, \$1,500 for the 2nd year, and \$1,750 for the 3rd year.

Policy Issues

None

Legal Issues

None

Recommendations and Alternate Courses of Action

1. **Authorize the City Manager to execute a lease extension for 461 N. Cannon Blvd (Recommended)**
2. Do not authorize the City Manager to execute the lease extension.
3. Defer action to a future meeting.

Attachments

1. Public Notice (461 N Cannon Blvd) 7-14-23
2. 461 N. Cannon Third Amendment (City-Marcos Gonzalez and Paula Beltran) July 2023



**PUBLIC NOTICE
LEASE OF CITY PROPERTY**

The City Council of the City of Kannapolis will consider a lease for the following city-owned property:

461 N. Cannon Blvd
Kannapolis, North Carolina

The City intends to renew the lease of the property to Marcos Gonzalez and Paula Beltran for a term of three years. In consideration of the lease, Tenant will pay the City base monthly rent for the following years of the term: Year 1- \$1,250; Year 2- \$1,500; and Year 3- \$1,750.

All persons interested in this lease are invited to attend the meeting of the City Council to be held in the Council Chambers, City Hall, 401 Laureate Way, Kannapolis, North Carolina at 6:00 pm on Monday, August 28, 2023. At that time the board intends to authorize the lease of the property described above.

City Council will discuss the terms of the lease and will receive public comments prior to voting on the Agreement.

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

ADVERTISING INSTRUCTIONS:

To be published as a Legal Ad on **FRIDAY JULY 14, 2023**

If this date is not acceptable, or any problems please contact immediately:

Bridgette Bell, City Clerk

(704) 920-4303

bbell@kannapolisnc.gov

**CABARRUS COUNTY
NORTH CAROLINA**

**THIRD AMENDMENT TO
LEASE AGREEMENT**

THIS THIRD AMENDMENT TO LEASE AGREEMENT is entered into as of this ____ day of July, 2023 by and between the City of Kannapolis, a North Carolina municipal corporation at 401 Laureate Way, Kannapolis, North Carolina 28081 (hereinafter referred to as "Landlord") and Marcos Gonzalez and Paula Beltran, having an office at 461 N. Cannon Boulevard, Kannapolis, North Carolina 28083 (hereinafter collectively referred to as "Tenant").

IN CONSIDERATION of Ten Dollars (\$10.00) and other good and valuable consideration and the mutual covenants contained herein and intending to be legally bound hereby, Landlord and Tenant hereby agree with each other for the amendment of a certain provision of the Lease Agreement entered into by and between the parties dated March 7, 2018 (hereinafter referred to as "Lease Agreement") and subsequently amended on June 27, 2018 and June 30, 2021 as follows:

1. TERM. Paragraph 1.1(h) is hereby amended to provide as follows:

"Lease Term. The Lease Term shall commence on August 1, 2023, for a period of three years terminating at midnight on July 31, 2026."

2. MINIMUM GUARANTEED RENTAL. Paragraph 1.1 (k) is amended to provide as follows:

"Minimum Guaranteed Rental. Tenant shall pay as minimum guaranteed rental the monthly sum as follows: Year 1- \$1,250; Year 2- \$1,500; and Year 3- \$1,750."

3. LEASE CONDITIONS. It is understood and agreed by the parties hereto that all other terms, conditions, provisions and obligations of the Lease Agreement will remain in full force and effect.
4. NO CLAIMS. Tenant has no claim of offset or defense against the enforcement of any of the agreements, terms, covenants or conditions of the Lease Agreement to be performed or complied with by Landlord.
5. MISCELLANEOUS. The provisions of this Third Amendment shall ensure to the benefit of and shall be binding upon the parties hereto and their respective heirs, successors and assigns and the legal representatives of their estates, as may be applicable. Each party hereto represents and warrants to the other parties that the execution of this Third Amendment and any other documents required or necessary to be executed pursuant to the provisions hereof are valid, binding obligations and enforceable in accordance with their terms.

CITY OF KANNAPOLIS

By: _____
Michael B. Legg, City Manager

TENANT:

By: _____
Marcos Gonzalez

By: _____
Paula Beltran



Kannapolis City Council

City Council Agenda Staff Report

August 28, 2023

To: Mayor and City Council

From: Irene Sacks, Director of Economic & Community Development

Subject: **PUBLIC HEARING-** Regarding the Lease of Property at 473 N. Cannon Blvd. and Authorize the City Manager to execute the lease extension.

Action Requested by City Council

1. Hold a public hearing
2. Authorize the City Manager to execute a lease extension for 473 N. Cannon Blvd

Required Votes to Pass Required Action

Majority Present at Meeting

Background

As a result of downtown revitalization projects, the City is the property owner for the College Station shopping center on N. Cannon Blvd, which includes several commercial tenants. Arturo Sanchez has leased 473 N. Cannon Blvd since 2018 for an ice cream shop. His lease expired June 30. City staff is considering a three-year lease extension through June 30, 2026, subject to the tenant being current on rent and prospective new tenant activity. State law requires the City to hold a public hearing for lease terms greater than one year.

Fiscal Implications

Monthly rent would be \$1,400 for the first year, \$1,700 for the 2nd year, and \$2,000 for the 3rd year.

Policy Issues

None

Legal Issues

None

Recommendations and Alternate Courses of Action

1. **Authorize the City Manager to execute a lease extension for 473 N. Cannon Blvd (recommended)**
2. Table the matter to a future meeting.
3. Take no action.

Attachments

1. Public Notice (473 N Cannon Blvd) 7-14-23
2. 473 N. Cannon 2nd Amendment (City-Arturo Sanchez) July 2023



**PUBLIC NOTICE
LEASE OF CITY PROPERTY**

The City Council of the City of Kannapolis will consider a lease for the following city-owned property:

473 N. Cannon Blvd
Kannapolis, North Carolina

The City intends to renew the lease of the property to Arturo Sanchez for a term of three years. In consideration of the lease, Tenant will pay the City base monthly rent for the following years of the term: Year 1- \$1,400; Year 2- \$1,700; and Year 3- \$2,000.

All persons interested in this lease are invited to attend the meeting of the City Council to be held in the Council Chambers, City Hall, 401 Laureate Way, Kannapolis, North Carolina at 6:00 pm on Monday, August 28, 2023. At that time the board intends to authorize the lease of the property described above.

City Council will discuss the terms of the lease and will receive public comments prior to voting on the Agreement.

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

ADVERTISING INSTRUCTIONS:

To be published as a Legal Ad on **FRIDAY JULY 14, 2023**

If this date is not acceptable, or any problems please contact immediately:

Bridgette Bell, City Clerk

(704) 920-4303

bbell@kannapolisnc.gov

**CABARRUS COUNTY
NORTH CAROLINA**

**SECOND AMENDMENT TO
LEASE AGREEMENT**

THIS SECOND AMENDMENT TO LEASE AGREEMENT is entered into as of this ____ day of July, 2023 by and between the City of Kannapolis, a North Carolina municipal corporation at 401 Laureate Way, Kannapolis, North Carolina 28081 (hereinafter referred to as "Landlord") and Arturo Sanchez, having an office at 473 N. Cannon Boulevard, Kannapolis, North Carolina 28083 (hereinafter collectively referred to as "Tenant").

IN CONSIDERATION of Ten Dollars (\$10.00) and other good and valuable consideration and the mutual covenants contained herein and intending to be legally bound hereby, Landlord and Tenant hereby agree with each other for the amendment of a certain provision of the Lease Agreement entered into by and between the parties dated April 13, 2018 and amended June 30, 2021 (hereinafter referred to as "Lease Agreement") as follows:

1. TERM. Paragraph 1.1(h) is hereby amended to provide as follows:

"Lease Term. The Lease Term shall commence on July 1, 2023, for a period of three years terminating at midnight on June 30, 2026."

2. MINIMUM GUARANTEED RENTAL. Paragraph 1.1 (k) is amended to provide as follows:

"Minimum Guaranteed Rental. Tenant shall pay as minimum guaranteed rental the monthly sum as follows: Year 1- \$1,400; Year 2- \$1,700; and Year 3- \$2,000."

3. LEASE CONDITIONS. It is understood and agreed by the parties hereto that all other terms, conditions, provisions and obligations of the Lease Agreement will remain in full force and effect.
4. NO CLAIMS. Tenant has no claim of offset or defense against the enforcement of any of the agreements, terms, covenants or conditions of the Lease Agreement to be performed or complied with by Landlord.
5. MISCELLANEOUS. The provisions of this Second Amendment shall ensure to the benefit of and shall be binding upon the parties hereto and their respective heirs, successors and assigns and the legal representatives of their estates, as may be applicable. Each party hereto represents and warrants to the other parties that the execution of this Third Amendment and any other documents required or necessary to be executed pursuant to the provisions hereof are valid, binding obligations and enforceable in accordance with their terms.

CITY OF KANNAPOLIS

By: _____
Michael B. Legg, City Manager

TENANT:

By: _____
Arturo Sanchez



Kannapolis City Council

City Council Agenda Staff Report
August 28, 2023

To: Mayor and City Council
From: Richard Smith, Planning Director
Subject: **Resolution** - Wastewater Allocation Policy - adopting Exhibit A

Action Requested by City Council

Motion to adopt the Resolution approving Exhibit A of the amended Wastewater Allocation Policy

Required Votes to Pass Required Action

Majority Present at Meeting

Background

On December 13, 2021, City Council adopted an ordinance adopting a Wastewater Allocation Policy ("Policy") intended to provide for the judicious allocation of these resources in conformity with City Council's growth-related priorities of which were established and/or reconfirmed in the policy. The underpinning structure of this Policy is to achieve a fair and reasonable balance between public interests and private interests. City Council approved minor modifications to the policy on February 14th and 28th, 2022, and subsequent recent amendments on July 24, 2023.

City Council directed staff to prioritize non-residential projects moving forward with allocation, particularly in light of the number of pending residential units that qualify for allocation. Recent amendments to the policy include distinguishing between non-residential and residential projects accompanied by separate matrices for these two categories of development.

Since the adoption of the Policy, City staff has worked with an extended list of land developers and homebuilders that have projects under consideration by the City. The work has been focused on the developers and homebuilders submitting applications for allocation permits including the required project scoring matrix. The scoring matrix is designed to establish an objective method for ranking projects based on overall community benefit and approving the limited number of wastewater allocation permits.

Exhibit A establishes how the City's wastewater treatment capacity will be allocated - more specifically to which projects and "set asides" as well as the phasing plan for implementation. This exhibit has been drafted in accordance with the Policy and the details of each project and its benefit to the community. Exhibit A is considered a working document, and as such the Policy calls for Exhibit A to be reviewed and approved periodically by City Council. This is the first revision of Exhibit A since the February 2022 adoption.

Exhibit A has been amended as follows:

1. Changed average GPD from 80 to 75
2. Added recent WSACC sewer distribution #8 – revised Sewer Allocation Available = 829,261 GPD

3. Downtown Set-Aside (category A) adjusted for known projects likely to need wastewater allocation within the next 6 months. This includes the NCRC properties and the block 10 hotel site. This amount is now 335,372 gpd.
4. Residential and Non-Residential Infill (category B and C) adjusted to allow for a call for projects no later than October 2023. This amount is now 107,500 gpd (non-residential) and 8,000 gpd (residential) although all of this may not be allocated (the balance will ball back into reserves).
5. Affordable Housing Set-Aside (category D) adjusted to reflect no current projects proposed. Some capacity will be kept in reserve for future needs.
6. Community Enhancement Set-Aside (category E) adjusted to reflect current known economic development projects likely to need wastewater allocation within the next 6 months - some of which have previous approvals. The largest being the 85-Exchange Industrial Park at NC 73 and Kannapolis Parkway. This amount is now 130,005 gpd.
7. Downtown Block 6 transfer to surplus buffer. This will remain in reserve until a project emerges.
8. Added Irish Creek and Loop Yard (previously Earnhardt Town Center) multi-family to residential waitlist.

This amended Exhibit A incorporates all revisions recently discussed with City Council as a result of updates from staff. Additionally, as was with the policy in the past, we will have the opportunity to release separate calls for projects for non-residential and residential projects when allocation is available. With City Council approval, staff anticipates a call for projects occurring within the next thirty days.

Fiscal Implications

None

Policy Issues

None

Legal Issues

None

Recommendations and Alternate Courses of Action

1. **Motion to adopt the Resolution approving Exhibit A of the amended Wastewater Allocation Policy (Recommended).**
2. Table action to a future meeting.
3. Take no action.

Attachments

1. Resolution Approving Exhibit A of the Wastewater Allocation Policy 8-28-2023
2. Exhibit A 8-28-24

CITY OF KANNAPOLIS
RESOLUTION APPROVING “EXHIBIT A” OF THE
KANNAPOLIS WASTEWATER ALLOCATION POLICY

WHEREAS, on December 13, 2021 the Kannapolis City Council adopted an ordinance adopting a Wastewater Allocation Policy (“Policy”) intended to provide for the judicious allocation of these resources in conformity with the City Council’s growth-related priorities of which were established and/or reconfirmed in the policy. Further, the underpinning structure of this Policy is to achieve a fair and reasonable balance between public interests and private interests; and

WHEREAS, on July 24, 2023 the Kannapolis City Council approved an amendment to the Policy to implement minor changes needed to facilitate a more practical and fair application; and

WHEREAS, the Policy establishes that the City seeks to grant wastewater allocation in a way that supports economic growth, economic diversity, strengthening of the tax base, creation of jobs, promotion of high-quality development and maximization of existing infrastructure and service delivery capacity; and

WHEREAS, Section V of the Policy provides a procedure for approving the formal allocation of wastewater treatment capacity; and

WHEREAS, the Water and Sewer Authority of Cabarrus County (WSACC) has provided its final capacity distribution notice to its member jurisdictions, including the City of Kannapolis, and

WHEREAS, in accordance with the Policy, City staff has completed its review of all projects, including the evaluation of the scoring matrices included in the Policy as “Exhibit B” and “Exhibit C”; and

WHEREAS, the Policy will be implemented through allocation permits based upon 15A NCAC Subchapter 2T rules and the WSACC Interlocal Wastewater Capacity Allocation Agreement; and

WHEREAS, part of the wastewater allocation procedure in the Policy includes the approval of “Exhibit A” which reserves wastewater capacity for potential future projects in three distinct categories:

1. Projects with prior city commitments.
2. Strategic Reserve to support future projects or development sites that are aligned with one or more of the following strategic priorities:
 - a. Supporting recent City investments.
 - b. Supporting downtown development.
 - c. Supporting economic development.
 - d. Improving City services or infrastructure.
 - e. Facilitating residential and non-residential infill development.
 - f. Facilitating affordable housing.
3. Previously approved projects.

NOW, THEREFORE, PURSUANT TO THE AUTHORITY CONTAINED IN CHAPTER 160A, ARTICLE 16, PART 1, AND INACCORDANCE WITH THE KANNAPOLIS WASTEWATER ALLOCATION POLICY, BE IT RESOLVED THAT, “Exhibit A” attached hereto, is hereby approved effective immediately.

Adopted this 28th day of August, 2023.

Milton D. Hinnant, Mayor

ATTEST:

Bridgette Bell, MMC, NCCMC
City Clerk

City Financial/Legal Commitment	371,993
Strategic Reserve - Categories A - E (see below)	
Preliminary Plat/Site Plan/Plan Approval	428,135
Waiting List	

EXHIBIT A Rev 8/1/23

CITY OF KANNAPOLIS SANITARY SEWER CAPACITY								Single Family gpd/br =	75	Multi Family gpd/br =	75
PROJECT				2022 SEWER ALLOCATION AVAILABLE (GPD) =						829,261	
Name	Location	Type	Description	Total Flow Impact (gpd)	2022 Allocation % or # of lots	2024 Allocation % or # of lots	2027 Allocation % or # of lots	Future Allocation % or # of lots	2022 Sewer Allocated (gpd)	Remaining Sewer Balance (gpd)	
Kannapolis Crossing	Old Beatty Rd & I-85	Mixed Use	500 ac site for industrial, commercial, single & MF	316,000	38%	31%	31%		120,080	709,181	
Lakeshore Corporate Park (Old Ballpark)	Lane St/Moose Rd & I-85	Industrial	Redevelopment	18,000	100%				18,000	691,181	
Downtown Block 4 (North & South)	Downtown	Apartments and Retail	48 Apartments (1 and 2 BR), 6,000 sf retail	24,195	100%				24,195	666,986	
Gateway Business Park - 7 ac. Tract	Kannapolis Parkway & NC 73 NE	Mixed Use	5000 sf gas station/office, 3.18 ac future retail	5,798	100%				5,798	661,188	
Gateway Business Park - 1.6 ac. Tract	Kannapolis Parkway & NC 73 NE	C-Store	Possible 5000 sf gas station	3,000	100%				3,000	658,188	
Bojangles Lane St	Lane St & I-85	Mixed Use	Fast Food restaurant	5,000	100%				5,000	653,188	
A - Downtown Set-Aside				335,372	27%	45%	1%	28%	88,956	564,232	
B - Non-Residential Infill Development Set-Aside				107,500	0%	100%	0%	0%	0	564,232	
C - Residential Infill Development Set-Aside				8,000	0%	100%	0%	0%	0	564,232	
D - Affordable Housing Set-Aside				0	0%	33%	67%	0%	0	564,232	
E - Community Enhancement Set-Aside				130,005	28%	72%	0%	0%	36,225	528,007	
Bakers Creek Subdivision	N Main St & W 18th St	Single Family Residential	228 Single Family 3 BR & 122 Townhomes 3 BR	78,750	100	125	125		22,500	505,507	
Hedgecliff Towns - South Ridge Ave Townhomes	S Ridge Av S of Southaven Ct	Townhomes	171 units (BR)	38,475	25%	75%			9,619	495,888	
Evolve-Hawthorne Concord Lake Rd Multifamily	Concord Lake Rd SW of Old Earnhardt Rd	Multifamily	288 units (1-2 BR), 36 units (3 BR), Pool (1250gpd), Clubhouse (2850gpd), Maintenance (500gpd)	55,900	25%	75%			13,975	481,913	
Emerson Glen at Jim Johnson Rd	Jim Johnson Rd E of Travertine Tr	Single Family Residential	86-4 BR	25,800	43	43			12,900	469,013	
Trinity Corners Development	Orphanage Rd & Trinity Church Rd SE	Apartments & Commercial	18-1 BR, 96-2 BR, 525gpd retail	20,325	25%	75%			5,081	463,932	
Summerlyn Village Subdivision	Rainbow Dr & NC 3	Single Family/Townhomes	220 Single Family 3 BR & 152 Townhome 3 BR	83,700	100	136	136		22,500	441,432	
Evan Multifamily	S Main St & Frederick Av	Apartments	26-3 bedroom, leasing office	5,850	100%				5,850	435,582	
Providence Place	Shady Ln & Fisher St	Single Family Residential	11-3 BR	2,475	100%				2,475	433,107	
No Mans	No Mans Av	Single Family Residential	14 (3 BR)	3,150	14				3,150	429,957	
Projects Not Requiring Sewer Extensions	Various	Various	Various	11,760					11,760	418,197	
Laundry Street Subdivision	Laundry St & Walter St	Minor Subdivision	6-3 BR	1,350	100%				1,350	416,847	
Greenview Apartments - Orphanage Rd South Side	Orphanage Rd & Pine Baugh Ln	Apartments	126 (1-2 BR)	18,900	25%	75%			4,725	412,122	
Kimball St Subdivision	Kimball St & W 13th	Single Family Residential	12-3 BR, 12-4 BR	6,300	24				6,300	405,822	
South Emerson Hills Apartments	Concord Lake Rd & Mt. Olivet Rd	Apartments	48-1 BR, 108-2 BR, 42-3 BR, community bldg (5500gpd)	38,350	100%				38,350	367,472	
Moose Road/Elizabeth Oaks	Moose Rd & Elizabeth Av	Single Family Residential	32-4 BR	9,600	32				7,200	360,272	
Cannon Manor Subdivision	Jim Johnson Rd N of Travertine Tr	Single Family Residential	70 units (3 BR)	15,750	35	35			7,875	352,397	
Redwood Davidson Hwy Apartments	Kannapolis Parkway & NC 73 SE	Apartments	78 units (2 BR)	11,700	100%				11,700	340,697	

PROJECT				2024 SEWER ALLOCATION AVAILABLE (GPD) =						588,000
Name	Location	Type	Description	Total Flow Impact (gpd)	2022 Allocation % or # of lots	2024 Allocation % or # of lots	2027 Allocation % or # of lots	Future Allocation % or # of lots	2024 Sewer Allocated (gpd)	Remaining Sewer Balance (gpd)
*Kannapolis Crossing	Old Beatty Rd & I-85	Mixed Use	500 ac site for industrial, commercial, single & multi-family	316,000	38%	31%			97,960	830,737
Quik Trip Business Park	Lane St & I-85	Mixed Use		5,000	50%	50%			2,500	828,237
Downtown Block 5	Downtown	Condos and Retail	79 units (2 & 3 BR) and 10,000 SF retail	16,150		0%			0	828,237
Downtown Block 6	Downtown	Apartments and Retail	298 apartments (208 1BR, 75 2BR, 15 3 BR) + 11,000 sf retail, 541 space parking deck	0		100%			0	828,237
A - Downtown Set-Aside				335,372	27%	45%	1%	28%	149,616	678,621
B - Non-Residential Infill Development Set-Aside				107,500	0%	100%	0%	0%	107,500	571,121
C - Residential Infill Development Set-Aside				8,000	0%	100%	0%	0%	8,000	563,121
D - Affordable Housing Set-Aside				0	0%	33%	67%	0%	0	563,121
E - Community Enhancement Set-Aside				130,005	28%	72%	0%	0%	93,780	469,341
*Bakers Creek Subdivision	N Main St & W 18th St	Single Family Residential	228 Single Family 3 BR & 122 Townhomes 3 BR	78,750	100	125	125		28,125	441,216
*Hedgecliff Towns - South Ridge Ave Townhomes	S Ridge Av S of Southaven Ct	Townhomes	171 units (3 BR)	38,475	25%	75%			28,856	412,360
*Evolve-Hawthorne Concord Lake Rd Multifamily	Concord Lake Rd SW of Old Earnhardt Rd	Multifamily	288 units (1-2 BR), 36 units (3 BR), Pool (1250gpd), Clubhouse (2850gpd), Maintenance (500gpd)	55,900	25%	75%			41,925	370,435
*Emerson Glen at Jim Johnson Rd1	Jim Johnson Rd E of Travertine Tr	Single Family Residential	86-4 BR	25,800	43	43			12,900	357,535
*Trinity Corners Development	Orphanage Rd & Trinity Church Rd SE	Apartments & Commercial	114 units (3 BR) & retail & restaurant (5000gpd)	20,325	25%	75%			15,244	342,291
*Summerlyn Village Subdivision	Rainbow Dr & NC 3	Single Family/Townhomes	220 Single Family 3 BR & 152 Townhome 3 BR	83,700	100	136	136		30,600	311,691
*Greenview Apartments - Orphanage Rd South Side	Orphanage Rd (S side) & Pine Baugh Ln	Apartments	126 (1-2 BR)	18,900	25%	75%			14,175	297,516
*Cannon Manor Subdivision	Jim Johnson Rd N of Travertine Tr	Single Family Residential	70 units (3 BR)	15,750	35	35			7,875	289,641

639,056

PROJECT				2027 SEWER ALLOCATION AVAILABLE (GPD) =						672,000
Name	Location	Type	Description	Total Flow Impact (gpd)	2022 Allocation % or # of lots	2024 Allocation % or # of lots	2027 Allocation % or # of lots	Future Allocation % or # of lots	2027 Sewer Allocated (gpd)	Remaining Sewer Balance (gpd)
Kannapolis Crossing	Old Beatty Rd & I-85	Mixed Use	500 ac site for industrial, commercial, single & MF	316,000	38%	31%	31%		97,960	863,681
A - Downtown Set-Aside				335,372	27%	45%	1%	28%	3,300	860,381
B - Non-Residential Infill Development Set-Aside				107,500	0%	100%	0%	0%	0	860,381
C - Residential Infill Development Set-Aside				8,000	0%	100%	0%	0%	0	860,381
D - Affordable Housing Set-Aside				0	0%	33%	67%	0%	0	860,381
E - Community Enhancement Set-Aside				130,005	28%	72%	0%	0%	0	860,381
*Bakers Creek Subdivision	N Main St & W 18th St	Single Family Residential	228 Single Family 3 BR & 122 Townhomes 3 BR	78,750	100	125	125		28,125	832,256
*Summerlyn Village Subdivision	Rainbow Dr & NC 3	Single Family/Townhomes	220 Single Family 3 BR & 152 Townhome 3 BR	83,700	100	136	136		30,600	801,656

PROJECT				FUTURE SEWER ALLOCATION AVAILABLE (GPD) =						801,656
Name	Location	Type	Description	Total Flow Impact (gpd)	2022 Allocation % or # of lots	2024 Allocation % or # of lots	2027 Allocation % or # of lots	Future Allocation % or # of lots	Future Sewer Allocated (gpd)	Remaining Sewer Balance (gpd)
A - Downtown Set-Aside				335,372	27%	45%	1%	28%	93,500	708,156
B - Non-Residential Infill Development Set-Aside				107,500	0%	100%	0%	0%	0	708,156
C - Residential Infill Development Set-Aside				8,000	0%	100%	0%	0%	0	708,156
D - Affordable Housing Set-Aside				0	0%	33%	67%	0%	0	708,156
E - Community Enhancement Set-Aside				130,005	28%	72%	0%	0%	0	708,156
Irish Creek	Irish Creek	Single Family Residential	800 - 3.5 BR	210,000				100%	0	NA
The Farm at Riverpointe Phases 3B, 5, 6	The Farm @ Riverpointe	Single Family Residential	227 - 3.5 BR	59,588				100%	0	NA
Riverpointe at Davidson	Davidson Rd & The Farm @ Riverpointe	Single Family Residential	500 - 3.5 BR	131,250				100%	0	NA
Sudbury Rd Subdivision	Mooreville Rd & Davidson Rd	Single Family Residential	63 (4 BR)	18,900				100%	0	NA
Sona Apartments	N Cannon Blvd & E 26th St	Apartments	144 units (3 BR)	32,400				100%	0	NA
Cavallaro Ridge (Windy Hill Farm) at Boy Scout Camp/Isenhour	Boy Scout Camp Rd & Isenhour Rd	Apartments	90 units (3 BR)	20,250				100%	0	NA
Kannapolis Pkwy Townhomes North of Redwood Apartments	Kannapolis Parkway & Professional Park Dr		116 (3 BR)	26,100				100%	0	NA
Kannapolis Pkwy Apartments North of Fingerlake Dr (885 Kannapolis Pkwy)	Kannapolis Parkway & Fingerlake Dr	Apartments	306-1 to2 BR, 30-3 BR	52,650				100%	0	NA
Camp Cabarrus at Kannapolis Pkwy & Dovefield Ln	Kannapolis Pkwy & Dovefield Ln	Apartments	126-1 BR, 126-2 BR, 118-3 BR	64,350				100%	0	NA
Trinity Church Rd Apartments at Northwest Cabarrus High School	Trinity Church Rd @ NW Cabarrus High School	Apartments	112 -1 to 2 BR, 20-3 BR	21,300				100%	0	NA
Lane St Townhomes W of Royce St	Lane St & Royce St	Townhomes	187 (3 BR)	42,075				100%	0	NA
Orphanage Rd Apartments north side	Orphanage Rd (N side) & Pine Baugh Ln	Apartments	36 (3 BR)	8,100				100%	0	NA
Old Macedonia Ct Apartments	Kannapolis Parkway & Macedonia Church Rd SW	Apartments	320 (3 BR)	72,000				100%	0	NA
Bridges of Cabarrus II	S Ridge Av & Carolina Av	Apartments	TBD (estimate 140 - 3 BR)	31,500				100%	0	NA
No Mans	No Mans Av	Single Family Residential	14 (3 BR)	3,360				14	0	NA
Blue Ridge Apartments	Macedonia Church Rd/Kannapolis Parkway	Apartments	294 units (2 BR)	44,100				100%	0	NA
Stonehaven	Stone Av/Arlington	Single Family Residential	9 (3 BR)	2,025				9	0	NA



Kannapolis City Council

City Council Agenda Staff Report

August 28, 2023

To: Mayor and City Council
From: Mike Legg, City Manager
Subject: **APPOINTMENT** - Appoint a Kannapolis Representative to the Rowan-Kannapolis ABC Board

Action Requested by City Council

Motion to appoint a representative to a three-year term on the Rowan-Kannapolis ABC Board.

Required Votes to Pass Required Action

Majority Present at Meeting

Background

The Rowan - Kannapolis ABC Board consists of three members with each of the three seats appointed by Rowan County, the City of Kannapolis and the City of Salisbury. The ABC Board retains authority to set policy and adopt rules in conformity with ABC laws and commission rules. As the terms of the initial board members expire, their successors are to be appointed for three-year terms. Mike Price was Kannapolis' most recent representative. Sadly, earlier this year Mr. Price passed away, so the Kannapolis seat is currently vacant. The vacant Kannapolis seat is for a three-year term that began July 2023 and ends June 2026.

Three applications have been received for this position: Sam Moore, Ken Geathers, and Mike Morton, Jr. Mr. Moore lives on Chisholm Trail off of Trinity Church Road (in the City limits); he applied the last time this vacancy was created. Mr. Geathers lives on Steepleton Drive in the eastern part of the City; he is a former member of City Council. Mr. Morton is a Kannapolis native and business owner who lives off Enochville Road just outside the City limits.

There is not a residency requirement as this is not a City board but that can certainly be a consideration. As a note, the City's previous representative, Mr. Price, did not live in the City limits.

Applications are included with this staff report.

Fiscal Implications

None.

Policy Issues

None.

Legal Issues

None.

Recommendations and Alternate Courses of Action

1. Motion to appoint a representative to a three-year term on the Rowan-Kannapolis ABC

Board (recommended).

2. Motion to appoint another individual that has not formally applied.
3. Table the action to a future meeting.

Attachments

1. M. Morton
2. K. Geathers
3. S. Moore



APPLICATION FOR APPOINTMENT TO THE CITY OF KANNAPOLIS BOARDS AND COMMISSIONS

The Kannapolis City Council believes that all citizens should have the opportunity to participate in governmental decisions. One way to participate is by serving as a citizen member of one of the City's Advisory Boards or Commissions. If you would like to be considered for appointment as the City's representative on the Rowan/Kannapolis Alcoholic Beverage Control (ABC) Board, please complete this application. Applications can be mailed to Bridgette Bell, City Clerk, 401 Laureate Way, Kannapolis, NC 28081, or emailed to Bridgette Bell at bbell@kannapolisnc.gov.

****There is no legal requirement for residency for the ABC Board, but residency may be a factor in the City Council's decision.***

Contact Information:

Name Mike Morton

Address 164 Laurel Crest Dr.

City/State/Zip Kannapolis, NC 28081

Home Phone _____ Work/Cell Phone 704-938-3189/704-201-3078

Email Address mamortonjr@gmail.com

You must reside within the City limits of Kannapolis. County You Live in. Rowan

Do you live within the City's Extraterritorial Jurisdiction? (ETJ) (Rowan County Only) Yes

PROFESSIONAL BACKGROUND:

Current Employer self

Occupation Dentist

Professional Background Dentist 2007-present, NFL official 2022-present, ACC official 2015-2021
NFL player 1995-2002

Educational Background BS Biology UNC 95, DDS UNC School of Dentistry 2007

CIVIC BACKGROUND: Dare Speaker, Past member Cabarrus Co Crime Stoppers Board,
Scout Leader, Youth Sports Coach YMCA/
Kannapolis City Rec, Speaker for KEF, Speaker as asked by ABC
Board

Community and Civic Involvement: _____

Dental Missions for International Missions Board, Volunteer Coach for KMS baseball, ALB Football

Past member Rowan YMCA Board, Past member ALB Boosters,
Other Board, Commissions, or Committees on which you are currently serving?: _____

List three people who are not related to you who have definite knowledge of your qualifications to serve on this commission.

	Name	Occupation	Address	Telephone
1.	<u>Ryan Dayvault</u>	_____	_____	<u>704-791-5843</u>
2.	<u>Terry Osbourne</u>	_____	_____	<u>704-754-3940</u>
3.	<u>Chip Buckwell</u>	_____	_____	<u>704-791-5031</u>

Applications will be purged after two years. Please reconsider reapplying at that time if you remain interested on a Board or Commission and have not yet been appointed.

I hereby authorize the City of Kannapolis to verify all information in this application.

Date 8/17/23 Signature Michael A Morton

Please note that pursuant to NC General Statutes Chapter 132, Public Records, applications submitted for these appointments are public records and may be subject to public disclosure.

Toggle Side Nav

Application for Appointment to Boards and Commissions

The Kannapolis City Council believes that all citizens should have the opportunity to participate in governmental decisions. One way to participate is by serving as a citizen member of one of the City's Advisory Boards or Commissions. If you would like to be considered for appointment to the Personnel Advisory Board, Planning and Zoning Board, Board of Adjustment, Parks and Recreation Commission or Community Improvement Commission, please complete this form.

*Required Fields are marked in red.

Board Preference (use each number once, 1 = most Desired, 6 = least Desired)

(ie. If you selected 1 for Planning & Zoning then you cannot select 1 for any of the other boards/commissions.) There will be required questions based on your top 2 choices.

Planning & Zoning

☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5

Board of Adjustment

☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5

Parks & Recreation Commission

☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5

Personnel Advisory Board

☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5

Community Improvement Commission

☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5

ETJ Seat*

- ☐ Planning & Zoning
☐ Board of Adjustment

*You must be a Resident of Kannapolis or live in the Extraterritorial Jurisdiction area to serve. The City of Kannapolis has Extra Territorial Jurisdiction (ETJ) in the Rowan County portion of Kannapolis and extends up to a mile from the City Limits in some places. Only residents who live within the ETJ are eligible to fill ETJ seats on the Planning Board and Board of Adjustment. If you have questions about whether you live in the ETJ or not, please call the Planning Department at 704-920-4359.

Contact Information

Name

Kenneth B. Geathers Sr.

Address

1545 Steepleton Drive

Street Address

Kannapolis

City

NC

State

28083

Zip Code

Home Phone

(000) 000-0000

Phone Number

704-932-1610

Work/Cell Phone

(000) 000-0000

Phone Number

704-224-7959

Email

GeathersK@AOL.com

Do you reside within the City limits of Kannapolis?

- ☒ Yes
☐ No

County Residency

Cabarrus

Are you within the City's Extraterritorial Jurisdiction? (ETJ) (Rowan Only)

- ☐ Yes
☒ No

Professional Background

Current Employer

Retired PillowTex Corp/ Bill Hefner VA Medical Center

Occupation/Professional Background

HR Manager / Addiction Therapist

Education Background

BS math Livingstone College Salisbury NC

Civic Background

Community and Civic Involvement

Kannapolis City Council 1984-2003
President Cabarrus County American Red Cross
President Kannapolis Rotary Club

Board of Directors Cannon YMC A
Board of Directors Central Council Boy Scout of America
Board of Directors Hornets West Girl Scout Council

Other Boards, Commissions, or Committees on which you are currently serving?

None

References

List three people who are not related to you who have definite knowledge of your qualifications to serve on this board/commission.

1. Name

Leonard Chapman Jr.

Occupation

Retired

Address

217 York Ave Kannapolis, NC 28083

Phone

(000) 000-0000

~~704~~
704 706 7834

Phone Number

2. Name

Lura W Steepleton

Occupation

Retired

Address

269 Esther Circle Kannapolis NC 28083

Phone

(000) 000-0000

704 932 7008

Phone Number

3. Name

Sylvia D Dickerson

Occupation

Nurse Practitioner

Address

260 Kings Terrace Salisbury NC 28140

Phone

(000) 000-0000

704 798 4507

Phone Number

Please note that pursuant to NC General Statutes Chapter 132, Public Records, applications submitted



APPLICATION FOR APPOINTMENT TO THE CITY OF KANNAPOLIS BOARDS AND COMMISSIONS

The Kannapolis City Council believes that all citizens should have the opportunity to participate in governmental decisions. One way to participate is by serving as a citizen member of one of the City's Advisory Boards or Commissions. If you would like to be considered for appointment as the City's representative on the Rowan/Kannapolis Alcoholic Beverage Control (ABC) Board, please complete this application. Applications can be mailed to Bridgette Bell, City Clerk, 401 Laureate Way, Kannapolis, NC 28081, or emailed to Bridgette Bell at bbell@kannapolisnc.gov.

****There is no legal requirement for residency for the ABC Board, but residency may be a factor in the City Council's decision.***

Contact Information:

Name SAM MOORE
Address 6121 CHISHOLM TRAIL
City/State/Zip KANNAPOLIS, N.C. 28081
Home Phone 704.933.8318 Work/Cell Phone 704.932.4343 / 980.521.0349
Email Address BAVCLT@CTC.NET

You must reside within the City limits of Kannapolis. County You Live in. CABARRUS

Do you live within the City's Extraterritorial Jurisdiction? (ETJ) (Rowan County Only) NO

PROFESSIONAL BACKGROUND:

Current Employer SPEEDWASH, INC. BAVARIAN MOTORS OF CHARLOTTE, INC.
Occupation CORPORATE MANAGEMENT
Professional Background CHARLOTTE/MECKLENBURG BOARD OF EDUCATION, PUBLIC SCHOOL
TEACHER, 21 YEARS. BUSINESS OWNER/MANAGEMENT 1983 - PRESENT

Educational Background BS DEGREE, INDUSTRIAL ARTS EDUCATION - APPALACHIAN STATE UNIVERSITY 1973

CIVIC BACKGROUND:

Community and Civic Involvement: DIRECTOR, BOARD OF FINANCE, LAY MINISTER ASCENSION LUTHERAN CHURCH, CHARLOTTE N.C. CHURCH COUNCIL PRESIDENT, CENTER GROVE LUTHERAN CHURCH KANNAPOLIS MEMBER, KANNAPOLIS ROTARY CLUB 1994 - PRESENT

Other Board, Commissions, or Committees on which you are currently serving?: NONE

List three people who are not related to you who have definite knowledge of your qualifications to serve on this commission.

Name	Occupation	Address	Telephone
1. <u>BOB DOTY</u>	<u>RETIRED</u>	<u>SPRINGDALE RD. KANNAPOLIS</u>	<u>704-651-2555</u>
2. <u>DOUG WILSON</u>	<u>BUSINESS OWNER</u>	<u>1225 PENDERGAST DR. KANNAPOLIS</u>	<u>704-792-4345</u>
3. <u>TOM KINCAID</u>	<u>BUSINESS OWNER</u>	<u>KANNAPOLIS PKWY, KANNAPOLIS</u>	<u>704-792-6630</u>

Applications will be purged after two years. Please reconsider reapplying at that time if you remain interested on a Board or Commission and have not yet been appointed.

I hereby authorize the City of Kannapolis to verify all information in this application.

Date 7/20/23

Signature 

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