



**WORK SESSION
AGENDA
KANNAPOLIS CITY HALL
118 SOUTH MAIN STREET
KANNAPOLIS NC
OCTOBER 9, 2023 4:30 PM**

Please Turn off Cell Phones or Place on Silent Mode.

WALKING TOUR OF DOWNTOWN KANNAPOLIS (4:30 PM to 5:45 PM)

- A. 30 minutes - Tour of Marketplace on Main (118 South Main Street) (Mike Legg, City Manager)
- B. 15 minutes - Tour Old Cabarrus Bank Building/Planned Food Hall (201 West Avenue) (Mike Legg, City Manager)
- C. 30 minutes - Tour of Swanee Theatre (200 West Avenue) (Mike Legg, City Manager)

CITY COUNCIL RECESS

RECONVENE MEETING - CALL TO ORDER AND WELCOME (Kannapolis City Hall 401 Laureate Way at or about 6:30 PM)

ADOPTION OF AGENDA - Motion to Adopt Agenda or make revisions

CONSENT AGENDA - Motion to Adopt Consent Agenda or make revisions

- A. **RESOLUTION** - Authorizing conveyance and set public hearing for property located at 623 Wilson Street to Habitat for Humanity Cabarrus County (Sherry Gordon, Community Development Program Administrator)
- B. **MOTION** - Approve the First Amendment to the Interlocal Sewer Agreement with WSACC and other member jurisdictions. (Mike Legg, City Manager)
- C. **FIRST READING** - Text Amendment TA-2023-03 to amend Article 4, Section 4.3.D(21)a: Solar Energy Conservation System (Small Scale) of the Kannapolis Development Ordinance (KDO) (Richard Smith, Planning Director)
- D. **FIRST READING** - Text Amendment TA-2023-04 to Article 5, Section 5.10.D(2).C.: Use of Charlotte Mecklenburg Storm Water Design Manual in the Kannapolis Development Ordinance (KDO) (Richard Smith, Planning Director)
- E. **VOLUNTARY ANNEXATION A-2023-06** - Resolution directing the City Clerk to

investigate and Certify the Sufficiency of the Petition and Adopt a Resolution of Intent to Annex and fix date of Public Hearing of approximately 9.7 acres of property located at 9600 Davidson Highway. (Richard Smith, Planning Director)

- F. **BUDGET ORDINANCE** - Revised FY 24 HOME Funding (Kristin Jones, Assistant to the City Manager)

BUSINESS AGENDA

- A. **SOLID WASTE CONTRACT BID AWARD** - Approve Contract for Disposal of Kannapolis Municipal Solid Waste Services by City of Kannapolis with Waste Connections of North Carolina, Inc. (Michael Rattler, Director of Transportation & Environmental Services)
- B. **PRESENTATION/UPDATE** - Gem Theatre Improvements Fundraising Campaign (Annette Privette Keller, Director of Communications)
- C. **RESOLUTION** - Stating The Intent of the City of Kannapolis to Schedule a Public Hearing on the Assessment of Cost Share Amounts of Opal Street Improvements and Acceptance to the City of Kannapolis Maintenance Schedule. (Michael Rattler, Director of Transportation & Environmental Services)
- D. **FACILITIES USE POLICY** - Amended Policy Update (Becky Tolle, Recreation Superintendent, Annette Privette Keller, Director of Communications)

CLOSED SESSION

MOTION TO ADJOURN

ADA Notice and Hearing Impaired Provisions

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), anyone who requires auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service or activity of the City, contact Heather James, Human Resource Director at 704-920-4233 or email hjames@kannapolisnc.gov as soon as possible, but no later than forty-eight (48) hours before the scheduled event.



Kannapolis
Agenda Staff Report
October 9, 2023

To: Mayor and City Council
From: Sherry Gordon, Community Development Program Administrator
Subject: **RESOLUTION** - Authorizing conveyance and set public hearing for property located at 623 Wilson Street to Habitat for Humanity Cabarrus County

Action Requested by City Council

Motion to approve Resolution authorizing conveyance and set public hearing for property located at 623 Wilson to Habitat for Humanity Cabarrus County

Required Votes to Pass Required Action

Majority Present at Meeting

Background

The City owns surplus real and personal property located at 623 Wilson Street (Lots 7-9 of Allison Park) which was used formerly as a neighborhood park. The park is not used by the community and is in an area that is not conducive for a park. Habitat for Humanity Cabarrus County has expressed interest in the lot to construct a single-family dwelling for a family currently on the Habitat waiting list.

The City is further authorized by G.S. 160A-279 to convey real and personal property to non-profit corporations that carry out a public purpose. A Public Hearing is required following the Resolution approval.

Fiscal Implications

None

Policy Issues

None

Legal Issues

None

Recommendations and Alternate Courses of Action

1. **Motion to approve Resolution authorizing conveyance and set public hearing for property located at 623 Wilson to Habitat for Humanity Cabarrus County (Recommended)**
2. Do not approve resolution.
3. Defer action to a future meeting.

Attachments

1. Resolution - Authorizing City to use Lots 7-9 of Allison Park for the purpose of Affordable Housing
2. NOTICE OF PUBLIC HEARING (Conveyance of real and personal property Lots 78 and 9 of Allison Park at 623 Wilson St)

RESOLUTION

WHEREAS, the City owns surplus real and personal property located at 623 Wilson Street (Lots 7-9 of Allison Park) which was used formerly as a neighborhood park (the “Property”). The parcel ID is 5613-96-2686.

WHEREAS, Habitat for Humanity Cabarrus County, Inc. (“Habitat”) is an affiliate of Habitat for Humanity International, Inc. a nondenominational nonprofit organization whose purpose is to create affordable housing for those in need. Habitat has demonstrated the capacity and ability to successfully develop affordable housing to sell to prequalified, low-income families.

WHEREAS, the City is authorized by G.S. 160A-456 to engage in programs of housing assistance for persons of low and moderate incomes.

WHEREAS, the City is further authorized by G.S. 160A-279 to convey real and personal property to non-profit corporations that carry out a public purpose. A Public Hearing is required following the Resolution approval.

THEREFORE, BE IT RESOLVED:

THAT, the City hereby approves the gratuitous conveyance of the Property inclusive of all personal property and fixtures located thereon to Habitat for Humanity Cabarrus County, Inc. The property will be used for the purpose of affordable housing for eligible low- and moderate-income persons.

THAT, a Notice of Public Hearing relating to this conveyance shall be published as required by G.S. 160A-267.

Adopted this the ____ day of October, 2023.

Milton D. Hinnant
Mayor

ATTEST:

Bridgette Bell, MMC, NCCMC
City Clerk



NOTICE OF PUBLIC HEARING

On October 9, 2023, the Kannapolis City Council adopted a Resolution for the conveyance of real and personal property to Habitat for Humanity Cabarrus County, Inc., a North Carolina non-profit corporation.

The City will hold a Public Hearing relating to the gratuitous conveyance of real and personal property located at 623 Wilson Street (Lots 7, 8 and 9 of Allison Park) to receive public comments relating to the conveyance pursuant to NCGS 160A-279.

All persons interested in this property, or the conveyance are invited to attend the meeting of the City Council to be held in the Council Chambers at City Hall located at 401 Laureate Way, Kannapolis, North Carolina at 6:00 pm on Monday, October 23, 2023.

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 **Heather B. James, Human Resource Director**, by **phone at 704-920-4322 or by email at hjames@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 OCTOBER 13, 2023**

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

Bridgette Bell, City Clerk

(704) 920-4303

bbell@kannapolisnc.gov



Kannapolis
Agenda Staff Report
October 9, 2023

To: Mayor and City Council
From: Mike Legg, City Manager
Subject: **MOTION** - Approve the First Amendment to the Interlocal Sewer Agreement with WSACC and other member jurisdictions.

Action Requested by City Council

Motion to approve the First Amendment to the Interlocal Sewer Agreement with WSACC and other member jurisdictions.

Required Votes to Pass Required Action

Majority Present at Meeting

Background

The Interlocal Sewer Agreement was fully executed on December 21, 2021 to provide a framework for the distribution of sewer allocation to the member jurisdictions. This amendment will distribute the sewer capacity from the 2024 expansion at the Rocky River Regional Wastewater Treatment Plant (RRRWWTP). This amendment will create a one-time increase of 2.1 million gallons of wastewater per day of WSACC's capacity available for allocation at RRRWWTP to be allocated to the Member Jurisdictions. Kannapolis will receive approximately 29% of this capacity (\$603,824 gallons per day). This percentage is based on the average of the previous 5 years of wastewater flows to the RRRWWTP.

At its August 28, 2023 meeting, City Council approved a revised Exhibit A as part of the City's Wastewater Treatment Allocation Policy which set forth the distribution plan for the current wastewater treatment capacity which assumes the passage of this First Amendment to the Interlocal Sewer Agreement with WSACC and its member jurisdictions.

WSACC and the other member jurisdictions have approved the agreement.

Fiscal Implications

None.

Policy Issues

None.

Legal Issues

None.

Recommendations and Alternate Courses of Action

1. Motion to approve the First Amendment to the Interlocal Sewer Agreement with WSACC and other member jurisdictions (recommended).
2. Table action to a future meeting.
3. Take no action.

Attachments

1. First Amendment to Interlocal Agreement - WSACC and Member Jurisdictions

STATE OF NORTH CAROLINA

COUNTY OF CABARRUS

**FIRST AMENDMENT
TO
INTERLOCAL WASTEWATER CAPACITY ALLOCATION AGREEMENT**

THIS FIRST AMENDMENT TO INTERLOCAL WASTEWATER CAPACITY ALLOCATION AGREEMENT (this “Amendment”) is entered into effective as of _____, 2023 by and among the Water and Sewer Authority of Cabarrus County (“WSACC”), a limited purpose authority created pursuant to Chapter 162A of the North Carolina General Statutes (the “Act”), the County of Cabarrus (“Cabarrus County”), the City of Concord (“Concord”), the City of Kannapolis (“Kannapolis”), the Town of Harrisburg (“Harrisburg”), and the Town of Mount Pleasant (“Mount Pleasant”). Cabarrus County, Concord, Kannapolis, Harrisburg, and Mount Pleasant shall collectively be referred to hereinafter as the “Member Jurisdictions”. WSACC and the Member Jurisdictions shall collectively be referred to hereinafter as the “Parties”.

STATEMENT OF PURPOSE

WHEREAS, the Parties entered into that Interlocal Wastewater Capacity Allocation Agreement effective as of December 21, 2021 (the “Agreement”) to govern WSACC and its Member Jurisdictions’ wastewater treatment capacity allocation.

WHEREAS, pursuant to recent amendments to N.C.G.S. §143-215.1, WSACC, because it is within twenty-four (24) months of completion of the expansion of its Rocky River Regional Wastewater Treatment Plant (“RRRWWTP”), is authorized by statute to increase its available allocation to 115% of its existing system’s hydraulic capacity, which will create a one-time increase of 2.1 million gallons of wastewater per day (2.1 MGD) of WSACC’s capacity available for allocation at RRRWWTP to be allocated to the Member Jurisdictions as further set forth in this Amendment (the “Newly Allotted Capacity”).

WHEREAS, the Parties now desire to amend the Agreement to provide for the allocation of the Newly Allotted Capacity to the Member Jurisdictions.

WHEREAS, the Parties desire to expand the term of the Agreement to account for WSACC’s completion of the expansion of RRRWWTP to 34 MGD of treatment capacity.

WHEREAS, pursuant to Section 25 of the Agreement, the Agreement may be modified in whole or in part only by agreement in writing duly executed by authorized representatives of the Parties pursuant to resolutions of their respective governing boards approving such amendment or modification, and authorizing its execution.

NOW THEREFORE, in consideration of the premises and other good and valuable consideration, it is agreed and covenanted by the parties as follows:

1. By execution of this Agreement, the modifications to the Agreement set forth in this Amendment shall be duly executed and authorized by representatives of the Parties pursuant to

resolutions of their respective governing boards approving this Amendment.

2. Section 5(a)(i) of the Agreement shall be deleted in its entirety and a new Section 5(b) shall be added such that Section 5 of the Agreement shall now read as follows:

“5. Future Divisions of Available Flow Among Member Jurisdictions. Following the First Division of Available Flow, the Future Divisions of Available Flow shall occur bi-annually, and allocations shall be determined as follows:

- a. WSACC shall allocate Available Flow, if any, among the Member Jurisdictions (excluding Cabarrus County) according to each Member Jurisdiction’s five (5) calendar year average percentage of billable sewer flow to the total billable flow for the immediately preceding 5 calendar years as calculated by WSACC. The five (5) calendar year average percentage shall be recalculated annually.
- b. Notwithstanding the above, for purposes of allocating the Newly Allotted Capacity (and for no other allocation), WSACC shall allocate the Newly Allotted Capacity as follows:
 - i. First, WSACC shall allocate 20,000 gallons per day of the Newly Allotted Capacity to Mount Pleasant; and
 - ii. Second, WSACC shall allocate the remaining 2.08 MGD of the Newly Allotted Capacity among the Member Jurisdictions (excluding Cabarrus County) according to each Member Jurisdiction’s five (5) calendar year average percentage of billable sewer flow to the total billable flow for the immediately preceding 5 calendar years as calculated by WSACC and as further detailed and set forth on Exhibit A, attached hereto and incorporated into this Agreement by reference.”

3. Section 18 of the Agreement is hereby deleted in its entirety and replaced with the following:

“18. Term. This Agreement shall remain in effect until the earlier of (a) January 1, 2025, (b) the date upon which WSACC’s expansion of the RRRWWTP comes online with 34 MGD treatment capacity, or (c) termination of this Agreement by WSACC.”

4. Except as amended and changed by this Amendment, all terms and provisions of the Agreement are in full force and effect and are hereby ratified and affirmed in all respects.

5. This Amendment shall be governed by and construed in accordance with the laws of the State of North Carolina.

6. This Amendment may be executed in one or more counterparts, each of which shall be deemed to be an original, but all of which shall constitute one and the same agreement.

[SIGNATURES TO FOLLOW]

WATER AND SEWER AUTHORITY OF
CABARRUS COUNTY

By: _____

Title: _____

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Finance Officer

Date

STATE OF _____

COUNTY OF _____

I, _____, a notary public for said county and state, do hereby certify that _____ personally came before me this day and acknowledged that he/she is _____ of Water and Sewer Authority of Cabarrus County and acknowledged, on behalf of Water and Sewer Authority of Cabarrus County the due execution of the foregoing instrument.

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

Notary Public

(Printed Name of Notary Public)

My Commission Expires: _____

(NOTARIAL SEAL)

CITY OF CONCORD

By: _____

Title: _____

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Finance Officer

Date

STATE OF _____
COUNTY OF _____

I, _____, a notary public for said county and state, do hereby certify that _____ personally came before me this day and acknowledged that he/she is _____ of City of Concord and acknowledged, on behalf of City of Concord the due execution of the foregoing instrument.

Witness my hand and official seal, this the _____ day of _____, 2023.

Notary Public

(Printed Name of Notary Public)

My Commission Expires: _____

(NOTARIAL SEAL)

CITY OF KANNAPOLIS

By: _____

Title: _____

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Finance Officer

Date

STATE OF _____

COUNTY OF _____

I, _____, a notary public for said county and state, do hereby certify that _____ personally came before me this day and acknowledged that he/she is _____ of City of Kannapolis and acknowledged, on behalf of City of Kannapolis the due execution of the foregoing instrument.

Witness my hand and official seal, this the _____ day of _____, 2023.

Notary Public

(Printed Name of Notary Public)

My Commission Expires: _____

(NOTARIAL SEAL)

TOWN OF HARRISBURG

By: _____

Title: _____

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Finance Officer

Date

STATE OF _____

COUNTY OF _____

I, _____, a notary public for said county and state, do hereby certify that _____ personally came before me this day and acknowledged that he/she is _____ of Town of Harrisburg and acknowledged, on behalf of Town of Harrisburg the due execution of the foregoing instrument.

Witness my hand and official seal, this the _____ day of _____, 2023.

Notary Public

(Printed Name of Notary Public)

My Commission Expires: _____

(NOTARIAL SEAL)

TOWN OF MOUNT PLEASANT

By: _____

Title: _____

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Finance Officer

Date

STATE OF _____

COUNTY OF _____

I, _____, a notary public for said county and state, do hereby certify that _____ personally came before me this day and acknowledged that he/she is _____ of Town of Mount Pleasant and acknowledged, on behalf of Town of Mount Pleasant the due execution of the foregoing instrument.

Witness my hand and official seal, this the _____ day of _____, 2023.

Notary Public

(Printed Name of Notary Public)

My Commission Expires: _____

(NOTARIAL SEAL)

CABARRUS COUNTY

By: _____

Title: _____

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Finance Officer

Date

STATE OF _____

COUNTY OF _____

I, _____, a notary public for said county and state, do hereby certify that _____ personally came before me this day and acknowledged that he/she is _____ of Cabarrus County and acknowledged, on behalf of Cabarrus County the due execution of the foregoing instrument.

Witness my hand and official seal, this the _____ day of _____, 2023.

Notary Public

(Printed Name of Notary Public)

My Commission Expires: _____

(NOTARIAL SEAL)

Exhibit A

Water & Sewer Authority of Cabarrus County						
Calculation of 5 Calendar Year Average Flow Percentage						
Calendar Years 2018-2022 For Capacity Allocation						
Applied to 2.1 MGD Additional Allocation						
Summary of 5 Year Average Flow Percentage					Allocation of	
Per Jurisdiction, Calendar Years 2018-2022					20,000	
Concord		59.43%			11,886	
Kannapolis		29.03%			5,806	
Harrisburg		10.11%			2,022	
Mt. Pleasant		<u>1.43%</u>			286	
Total		100.00%			20,000	
			Virginia Flow	Virginia Flow		
		Amount	Park Library	Park Library		
		Available to	Senior Cent.	Senior Cent.	Adjusted	New
		<u>Allocate</u>	<u>Reallocation **</u>	<u>Reassignment</u>	<u>Allocation</u>	<u>Percentage</u>
Concord		1,248,030	(11,886)	-	1,236,144	58.86%
Kannapolis		609,630	(5,806)	-	603,824	28.75%
Harrisburg		212,310	(2,022)	-	210,288	10.01%
Mt. Pleasant		<u>30,030</u>	<u>(286)</u>	<u>20,000</u>	<u>49,744</u>	<u>2.37%</u>
Total		2,100,000	(20,000)	20,000	2,100,000	100.00%
** Reallocated based on 5 Yr avg flow percentage from above.						



Kannapolis
Agenda Staff Report
October 9, 2023

To: Mayor and City Council
From: Richard Smith, Planning Director
Subject: **FIRST READING** - Text Amendment TA-2023-03 to amend Article 4, Section 4.3.D(21)a: Solar Energy Conservation System (Small Scale) of the Kannapolis Development Ordinance (KDO)

Action Requested by City Council

Motion to Continue to October 23, 2023 for Second Reading and public hearing of TA-2023-03

Required Votes to Pass Required Action

Majority Present at Meeting

Background

The applicant, Chad Preece, representative for Freedom Solar, LLC, is proposing a text amendment to Section 4.3.D(21)a. of the Kannapolis Development Ordinance (KDO) to remove the location restriction of roof mounted solar panels.

Staff is in agreement with the proposed text amendment because it has become more common for local government ordinances to be user-friendly toward solar panel placement on homes when they are considered small scale and unobtrusive. Furthermore, removing this restriction will not limit homes with limiting northern exposures from being restricted on solar panel placement.

The Planning and Zoning Commission recommended approval to City Council of Text Amendment TA-2023-03 at their September 19, 2023 meeting.

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

Fiscal Implications

None

Policy Issues

The Planning and Zoning Commission recommended approval of TA-2023-03 to City Council at their September 19, 2023 Commission meeting. Pursuant to 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 amendment to the KDO is attached and shown per staff recommended edits.

Legal Issues

None

Recommendations and Alternate Courses of Action

1. **Motion to Continue to October 23, 2023 for Second Reading and Public Hearing for TA-2023-03 (Recommended).**
2. Defer action to a future meeting.

Attachments

1. 5866 Green Maple - Omolaja - TEXT AMND (SIGNED)
2. CC Proposed Text Amendment
3. TA-2023-03 Signed Statement of Consistency



Zoning Text Amendment Checklist

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

APPLICANT

Applicant: Freedom Solar, LLC / Chad Preece

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: Emmanuel Omelaja
Emmanuel Omelaja (Jul 26, 2023 10:00 AM)

Date: 07/26/23



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: Freedom Solar, LLC / Chad Preece
Address: 4502 BENNETT MEMORIAL RD
DURHAM, NC 27705

Phone: 512-766-5765
Email: permitting@freedomsolarpower.com

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

Please change "... except such equipment is prohibited on front-facing roofs or facades." to read
"... such equipment is also permissible on front-facing roofs or facades. "

State your reasons for amending the text of the Ordinance:

1. Homeowner signed contract for solar installation before July 1, 2023 (when ordinance passed)
2. Homeowner lives in a neighborhood where several homes have (approved) front-facing solar panels
3. Removing/moving front-facing panels will drastically decrease homeowner's energy production

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

Emmanuel Omolaja Chad Preece
Emmanuel Omolaja (Jul 26, 2023 12:02 EDT)
Applicant Signature

07/26/23

Date

Emmanuel Omolaja
Emmanuel Omolaja (Jul 26, 2023 12:02 EDT)
Property Owner Signature

Date

Zoning Text Amendment

Final Audit Report

2023-07-26

Created:	2023-07-26
By:	Olivia Petitt (opetitt@freedomsolarpower.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAYhbs4j-PWIMTJvPAG1EBO4fLoX1lnkSK

"Zoning Text Amendment" History

-  Document created by Olivia Petitt (opetitt@freedomsolarpower.com)
2023-07-26 - 3:52:25 PM GMT
-  Document emailed to omolajat@gmail.com for signature
2023-07-26 - 3:53:53 PM GMT
-  Email viewed by omolajat@gmail.com
2023-07-26 - 4:01:55 PM GMT
-  Signer omolajat@gmail.com entered name at signing as Emmanuel Omolaja
2023-07-26 - 4:02:20 PM GMT
-  Document e-signed by Emmanuel Omolaja (omolajat@gmail.com)
Signature Date: 2023-07-26 - 4:02:22 PM GMT - Time Source: server
-  Agreement completed.
2023-07-26 - 4:02:22 PM GMT

EXHIBIT A
TA-2023-03

(21) SOLAR ENERGY CONVERSION SYSTEM (SMALL-SCALE)

Small-scale solar energy conversion systems shall comply with the following standards:

- a.** Solar energy equipment may be located on the roof of a principal or accessory structure, on the side of such structures, on a pole, or on the ground in accordance with Section 4.3.C, General Standards for all Accessory Uses and Structures, ~~except such equipment is prohibited on front-facing roofs or facades~~. Building-mounted photovoltaic systems are permitted in all districts subject to all necessary permit and building code requirements.
- b.** A roof-mounted system may exceed the height standards of the district in which it is located by up to five feet, or, in the case of an existing structure that exceeds the maximum height standards of the district in which it is located, the system may extend up to five feet above the roof surface.
- c.** Solar energy equipment shall be oriented so as to avoid casting glare onto adjacent lots.
- d.** The property owner shall be responsible for negotiating with other property owners in the vicinity to establish any solar easement designed to protect solar access for the system, and for recording any such solar easement with the appropriate County.



**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY WITH REGARD TO
TEXT AMENDMENT TA-2023-03**

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, Section 4.3.D(21)a: Solar Energy Conservation System (Small Scale)**, is consistent with the *Move Kannapolis Forward 2030 Comprehensive Plan*; and

WHEREAS, the Planning and Zoning Commission conducted a Public Hearing on September 19, 2023 for consideration of text amendment Case# TA-2023-03 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-2023-03 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 19th Day of September 2023:

Chris Puckett, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission



Kannapolis
Agenda Staff Report
October 9, 2023

To: Mayor and City Council
From: Richard Smith, Planning Director
Subject: **FIRST READING** - Text Amendment TA-2023-04 to Article 5, Section 5.10.D(2).C.:
Use of Charlotte Mecklenburg Storm Water Design Manual in the Kannapolis
Development Ordinance (KDO)

Action Requested by City Council

Motion to Continue to October 23, 2023 for Second Reading of TA-2023-04.

Required Votes to Pass Required Action

Majority Present at Meeting

Background

City staff is proposing the following text amendment to Section 5.10.D(2).C. to now include the 100+1 Flood Analysis. This amendment is in direct response to some of the more recent flooding incidents in and around the city. Including this provision in our ordinance will allow the City to be more proactive in combatting any potential future flooding issues as growth continues. This specific item will need to be struck from the current list of provisions that presently do no apply to the KDO.

*The following sections of the Charlotte Mecklenburg Storm Water Design Manual shall not apply to this Ordinance: **100+1 Flood Analysis**, Approximate Flood Limits, Storm Drain Location, Inlet Types and Spacing, Cross Slope, Curb and Gutter, and Detention Facilities Used for Credits, including any references to the Charlotte-Mecklenburg Land Development Standards Manual or to storm water fees.*

The Planning and Zoning Commission recommended approval to City Council of Text Amendment TA-2023-04 at their September 19, 2023 Commission meeting.

Fiscal Implications

None

Policy Issues

The Planning and Zoning Commission recommended approval of TA-2023-04 to City Council at their September 19, 2023 Commission meeting. Pursuant to 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 amendment to the KDO is included and shown per staff recommended edits.

Legal Issues

None

Recommendations and Alternate Courses of Action

1. **Motion to Continue to October 23, 2023 for Second Reading and Public Hearing of TA-2023-04 (Recommended).**
2. Defer action to a future meeting.

Attachments

1. Text Amendment Packet_1
2. TA-2023-04 PZ Signed Statement of Consistency



Zoning Text Amendment Checklist

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

APPLICANT

Applicant: _____

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: _____



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: _____

Phone: _____

Address: _____

Email: _____

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

State your reasons for amending the text of the Ordinance:

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

Applicant Signature

Date

Property Owner Signature

Date



**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY WITH REGARD TO
TEXT AMENDMENT TA-2023-04**

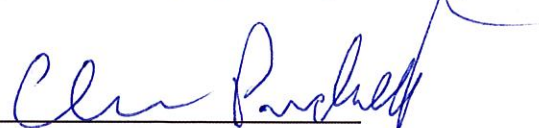
WHEREAS, Section 160A-383 (2013), of the North Carolina General Statutes, modified in Section 160D-605, specifies that the governing board shall also approve a statement describing whether its action is consistent with an adopted comprehensive and any other officially adopted plan that is applicable;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

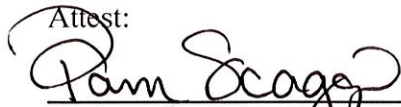
WHEREAS, the text amendment to **Article 5, Section 5.10.D(2)c: Use of Charlotte Mecklenburg Storm Water Design Manual**, is consistent with the *Move Kannapolis Forward 2030 Comprehensive Plan*; and

WHEREAS, the Planning and Zoning Commission conducted a Public Hearing on September 19, 2023 for consideration of text amendment Case# TA-2023-04 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-2023-04 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 19th Day of September 2023:


Chris Puckett, Chairman
Planning and Zoning Commission

Attest:

Pam Scaggs, Recording Secretary
Planning and Zoning Commission



Kannapolis
Agenda Staff Report
October 9, 2023

To: Mayor and City Council
From: Richard Smith, Planning Director
Subject: **VOLUNTARY ANNEXATION A-2023-06** - Resolution directing the City Clerk to investigate and Certify the Sufficiency of the Petition and Adopt a Resolution of Intent to Annex and fix date of Public Hearing of approximately 9.7 acres of property located at 9600 Davidson Highway.

Action Requested by City Council

1. Motion to adopt a Resolution directing the City Clerk to Investigate an Intent to Annex and Certify the Sufficiency of the Petition to Annex; and
2. Motion to adopt a Resolution of Intent to Annex and Fix Date of Public Hearing for October 23, 2023.

Required Votes to Pass Required Action

Majority Present at Meeting

Background

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

City Council previously took action on the aforementioned annexation request, but upon further review, it was discovered that the voluntary annexation was requested under the incorrect annexation application. This request is considered a non-contiguous/satellite annexation.

Fiscal Implications

None

Policy Issues

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

Legal Issues

Prior to considering the Annexation Ordinance, pursuant to NCGS Chapter 160A-58 et seq., City Council must first direct the City Clerk to investigate an Intent to Annex and to certify the sufficiency of the petition. City Council must also fix a public hearing date for consideration of the petition. It is requested that City Council set the public hearing date for October 23, 2023.

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

Recommendations and Alternate Courses of Action

1. **Motion to approve Resolution Directing City Clerk to investigate an Intent to Annex under Chapter 160A-58 et seq. and to Certify the Sufficiency of the petition (Recommended) and;**
2. **Motion to approve Resolution of Intent to Annex and Fix Date of Public Hearing for October 23, 2023 on question of Annexation (Recommended).**
3. Do not approve Resolutions.
4. Table actions to future meeting.

Attachments

1. 9600 Davidson Hwy_Non Contiguous Annexation_SIGNED
2. 9600 Davidson Hwy annexation survey
3. Resolution Directing the Clerk to investigate an intent to annex
4. Certificate of Sufficiency A-2023-06
5. Resolution of Intent A-2023-06
6. Legal Description
7. A-2023-06-BW
8. Vicinity



Petition for Non-Contiguous Annexation

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

ANNEXATION REQUEST

Approval authority – City Council.

Property Address: 9600 Davidson Hwy

Applicant: Alpesh Patel

Address: 1483 Coffeetree Drive NW City: Concord State: NC Zip: 28027

Contact number: 785-787-5220 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. D. Patel Date: 08-28-2023



PETITION REQUESTING A NON-CONTIGUOUS ANNEXATION

Approval authority – City of Kannapolis City Council

DATE: _____

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

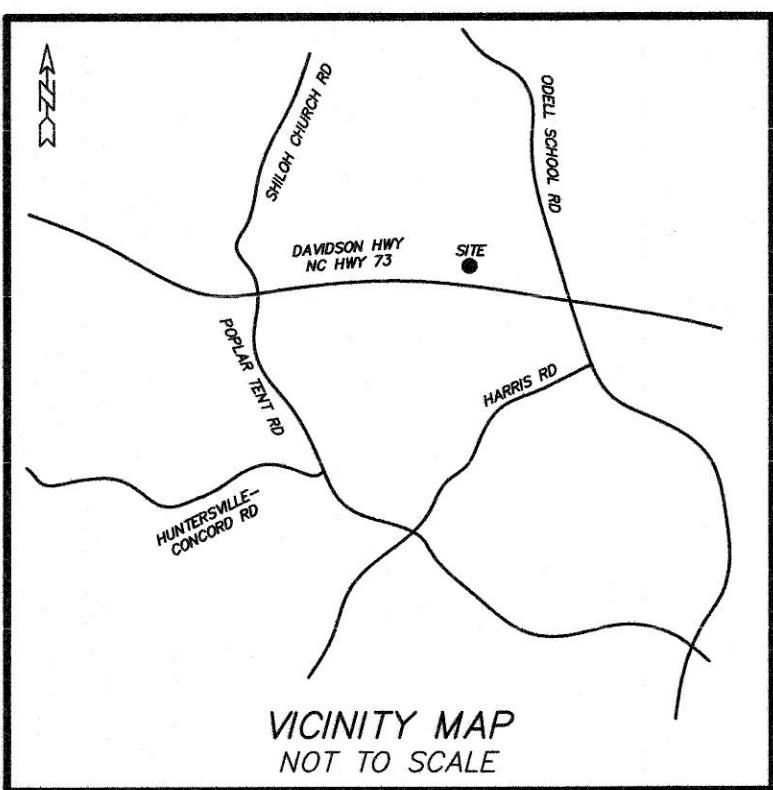
1. We, the undersigned owners of real property respectfully request that the area described in paragraph 2 below be annexed to the City of Kannapolis.
2. The area to be annexed, located at 9600 Davidson Hwy, further identified as Cabarrus County Parcel Identification Number 46822015490000, is non-contiguous 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.

<u>Name</u> (print or type)	<u>Address</u>	<u>Signature*</u>
1. <u>Shirababen K. Patel</u>	<u>1483 Coffeetree Dr. N.W.</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.*



LEGEND:

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

LEGAL DESCRIPTION

BEGINNING at an existing rebar, being the northwest corner of the property of Brian J. & Kelly J. Schmidt (now or formerly) recorded in Deed Book 10976 Page 1, said rebar having North Carolina State Plane Coordinates N:621,143.13 E:1,482,398.81 (NAD83/2011, CP:0.89984971); then 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 (now or formerly) recorded in Deed Book 574 Page 630; then 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); then following the centerline thereof with a bearing of N 80°08'28" W and a distance of 552.78' to a point; then 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; then following the common line thereof with a bearing of N 71°53'39" E and a distance of 438.60' to an existing rebar; being the point of BEGINNING, having an area of 9.785 acres, more or less, as shown on a survey by Carolina Surveyors, Inc.

NOTES:

1. NOT ALL IMPROVEMENTS SHOWN
2. PROPERTY ZONED: CR (SETBACKS & ZONING MATTERS ARE SUBJECT TO INTERPRETATION BY LOCAL MUNICIPALITIES)
3. TAX PARCEL NUMBER 46822015490000.
4. DEED REFERENCE: DB 16069 PG 347.
5. BOUNDARY SURVEY ONLY THROUGH POINTS AS SHOWN.
6. THIS PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION "A" BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), ON FLOOD INSURANCE RATE MAP (FIRM) NO. 3710488200K, WITH A DATE OF IDENTIFICATION OF 11/16/2018.
7. THIS PROPERTY MAY BE SUBJECT TO ADDITIONAL RECORDED OR UNRECORDED EASEMENTS, SETBACKS AND BUFFERS INCLUDING THOSE WITHIN THE APPLICABLE UNITED DEVELOPMENT ORDINANCE (UDO), RIGHTS-OF-WAY, IMPERVIOUS AREAS & BUILT UPON AREA (BUA) RESTRICTIONS, AND/OR RESTRICTIVE COVENANTS, OTHER THAN SHOWN. SURVEY MADE WITHOUT THE BENEFIT OF A TITLE EXAMINATION.
8. AREA COMPUTED BY COORDINATE METHOD.
9. UTILITY LOCATIONS SHOWN ARE LOCATED BASED ON SITE CONDITIONS AND MARKINGS AT THE TIME OF SURVEY. CONTRACTORS ARE TO HAVE ALL UTILITIES ACCURATELY MARKED PRIOR TO CONSTRUCTION.
10. OFFSITE ADJONER LINES AND RIGHT-OF-WAY LINES SHOWN AS DASHED ARE APPROXIMATE AND ARE FOR ILLUSTRATIVE PURPOSES ONLY.
11. LINES SHOWN REPRESENTING FENCES AND WALLS ARE MEASURED FROM THE APPROXIMATE CENTERLINE AND DO NOT ACCOUNT FOR THE THICKNESS, PLUMBNESS OR MEANDER OF THE FENCE UNLESS OTHERWISE STATED.
12. DISTANCES SHOWN ARE GROUND U.S. SURVEY FEET UNLESS OTHERWISE NOTED.

THE FOLLOWING WAS USED TO ESTABLISH N.C.S.P.C. INFORMATION:
(1) CLASS OF SURVEY: A-URBAN LAND SURVEY
(2) POSITIONAL ACCURACY: 0.05"
(3) TYPE OF GPS FIELD PROCEDURE: STATIC, ONLINE POSITION USER SERVICE
(4) DATE OF SURVEY: 5/15/2023
(5) DATUM/EPOCH: NAD 83 (2011), EPOCH 2010
(6) PUBLISHED/FIXED-CONTROL USE: CORS SITES
(7) GEOD. MODEL: GEOD18; NAVD 88
(8) COMBINED GRID FACTOR(S): 0.99984971
(9) UNITS: U.S. SURVEY FEET

DESIGNATION	LATITUDE	LONGITUDE	DISTANCE(m)
DC5757 NCE LEXINGTON CORS APP	N354853.143	W0801346.202	62008.5
DM3985 NCR ROCKINGHAM CORS APP	N345731.987	W079474.740	100836.2
DC6238 SCW WHITE ROSE CORS APP	N345857.039	W081157.440	65957.1
DM3523 NCH HICKORY CORS APP	N354431.010	W081830.934	61440.2
A4108 HPT HIGH POINT CORS APP	N355756.496	W080046.937	87705.9
DC7402 NCP POLKTON CORS APP	N345933.172	W0801037.857	71407.7
DK4043 NCP SPINDALE CORS APP	N352153.834	W0815457.347	107238.4
DK4047 NCNW NORTH MILKESBORO CORS APP	N362629.275	W0810757.224	87944.3

GRAPHIC SCALE



(IN FEET)
1 inch = 60 ft.

REVISIONS:	DATE	SCALE: 1" = 60'
PROJECT: 23-0190		
DRAWN BY: NB		
FIELD WORK: RW/GW/SK		
MAY 25, 2023		
DWG: CARLSON 2023\BA7\Davidson Hwy #9600		
COGO: 2023\O\Davidson Hwy #9600		

21 NCAC 56.1604- MAP CERTIFICATION

I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (TITLE REFERENCES AS SHOWN ON PLAT); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM TITLE REFERENCES AS SHOWN ON PLAT; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY MEETS OR EXCEEDS 1:10,000; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600).
THIS 25th DAY OF May 2023
Nathan E. Patel
PROFESSIONAL LAND SURVEYOR



CAROLINA SURVEYORS, INC.

P.O. BOX 267 PINEVILLE, N.C. 28134 - 0267
THOMAS E. WHITE, N.C.P.L.S. & S.C.P.L.S. 704-889-7601
T.E.W@CAROLINASURV.COM
CERTIFICATE OF AUTHORIZATION N.C.G-1242 SC-886

#9600 DAVIDSON HWY

SURVEYED FOR: ALPHESS PATEL
AREA: 9.785 AC.
TOWNSHIP 3, CABARRUS COUNTY, NORTH CAROLINA

SYMBOL LEGEND

- SET MONUMENT (TYPE INDICATED)
- EXISTING MONUMENT (TYPE INDICATED)
- CALCULATED POINT
- GAS VALVE
- WATER VALVE
- MAIL BOX
- WATER METER
- WELL
- FIRE HYDRANT
- SANITARY SEWER MANHOLE
- STORM DRAIN MANHOLE
- TELEPHONE/COMMUNICATIONS MANHOLE
- ELECTRIC MANHOLE
- DECIDUOUS TREE
- EVERGREEN TREE
- LIGHT POLE
- POWER/UTILITY POLE
- BACK FLOW PREVENTOR
- GUY WIRE
- CATCH BASIN
- DROP INLET
- YARD INLET

LINE/TYPE LEGEND

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

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

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

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

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

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

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

ADOPTED this the 9th day of October 2023.

Milton D. Hinnant, Mayor
City of Kannapolis

ATTEST:

Bridgette Bell, MMC, NCCMC
City Clerk

CERTIFICATE OF SUFFICIENCY
A-2023-06

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

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

In Witness Whereof, I have hereunto set my hand and affixed the seal of the City of Kannapolis, North Carolina, this the 9th day of October 2023.





Bridgette Bell, MMC, NCCMC
City Clerk

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

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

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

- Section 1. A public hearing on the question of annexation of the area described herein will be held at the Laureate Center, 401 Laureate Way, Kannapolis, NC at 6:00 PM on the 23rd day of October 2023.
- Section 2. The area proposed for annexation is described as follows:
See attached Metes and Bounds Description
- Section 3. Notice of public hearing shall be published in the Independent Tribune on October 13 and October 20, 2023

ADOPTED this the 9th day of October 2023.

Milton D. Hinnant, Mayor
City of Kannapolis

ATTEST:

Bridgette Bell, MMC, NCCMC
City Clerk

Legal Description

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

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

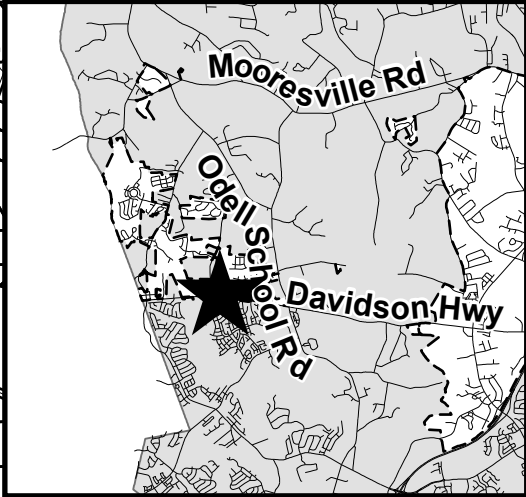
Cabarrus

Rowan

Boundaries (Inset)

City of Kannapolis

ETJ





KANNAPOLIS

Vicinity Map



0 340 680 1,360



US Feet

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

Case Number: A-2023-06

Applicant: Alpesh Patel

9600 Davidson Hwy



Kannapolis

Agenda Staff Report
October 9, 2023

To: Mayor and City Council
From: Kristin Jones, Assistant to the City Manager
Subject: **BUDGET ORDINANCE** - Revised FY 24 HOME Funding

Action Requested by City Council

Approve the revised Budget Ordinance that establishes the project fund for the FY 2024 HOME program funding allotment.

Required Votes to Pass Required Action

Majority Present at Meeting

Background

Each year the City must present within its Annual Action Plan submitted to HUD a defined work program for funding. The public hearing was held on April 24, 2023, and the Annual Action Plan was initially approved. The latest funding allotment was approved at the September 25th City Council meeting, but we have since received revised estimates for the FY 24 HOME program funding.

The City expects to receive \$178,486 in HOME Funds in fiscal year 2023-2024. It is recommended the following activities be undertaken with the FY 2023-2024 funds:

Proposed Expenditures:

Homeowner Rehab	\$168,383
General Administration	\$10,103
TOTAL	\$178,486

Fiscal Implications

The attached budget ordinance set up the project ordinance for the FY 24 HOME funding allotment

Policy Issues

None.

Legal Issues

None.

Recommendations and Alternate Courses of Action

1. **Motion to approve the budget ordinance that establishes the project fund for the FY 2024 HOME program funding allotment (recommended).**
2. Table to a future meeting.
3. Take no action.

Attachments

1. HOM24

**CITY OF KANNAPOLIS, NORTH CAROLINA
HOME CONSORTIUM GRANT PROGRAM PROJECT BUDGET ORDINANCE
FY 2023-2024**

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

Section 1. The project authorized is the Cabarrus/Iredell/Rowan HOME Consortium Program and the U.S. Department of Housing and Urban Development (HUD). This project is more familiarly known as the 2023-2024 Consortium Home Program.

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

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

75000-33300-HOMX: HOME Program Grant	\$178,486
--------------------------------------	-----------

Total Revenues:	\$178,486
------------------------	------------------

Section 4. The following amount is appropriated for the project:

75000-51950-HOMX: Homeowner Rehab	\$168,383
75000-51910-HOMX: General Administration	\$10,103

Total Expenditures:	\$178,486
----------------------------	------------------

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

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

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

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

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

This Ordinance is approved and adopted this 9th day of October 2023.

Milton D. Hinnant, Mayor

ATTEST:

Bridgette Bell, MMC, NCCMC
City Clerk



Kannapolis

Agenda Staff Report
October 9, 2023

To: Mayor and City Council

From: Michael Rattler, Director of Transportation & Environmental Services

Subject: **SOLID WASTE CONTRACT BID AWARD** - Approve Contract for Disposal of Kannapolis Municipal Solid Waste Services by City of Kannapolis with Waste Connections of North Carolina, Inc.

Action Requested by City Council

Motion to adopt the Resolution to award the City of Kannapolis Municipal Solid Waste Collection Contract to the lowest responsible bidder, Waste Connections of the Carolinas, in the amount of \$3,787,180.00 and Authorize the City Manager to negotiate and execute the contract beginning July 22, 2024.

Required Votes to Pass Required Action

Majority Present at Meeting

Background

The current contract with the collection provider, Waste Management, will expire on 22 July 2024. The City sent out RFPs to several companies and received 4 bid packages on 10 August 2023.

The bids were publicly opened and are as follows:

Contractor	Bid Amount
Waste Connections	\$3,787,180.00
Waste Pro	\$3,816,000.00
Waste Management	\$4,771,296.00
Republic	\$4,821,000.00
City of Kannapolis	\$5,330,400.00

The lowest bidder is Waste Connections of the Carolinas. Waste Connections is the third largest waste hauler in the nation. Several cities in the region utilize Waste Connections (Huntersville Indian Trail, Stallings) and reference checks have revealed an overall satisfaction with the company's service delivery.

Staff plans to continue to use the Rapid Response Program (City employees) to serve as a quick resolution for missed pickups. It is likely this will be less of a problem with Waste Connections but there is always a transition period where there will be misses as the company gets used to the routes.

If the service bid is awarded to Waste Connections, it is expected that service will begin in July 2024.

The City's estimate for providing this service in-house is \$5,330,400, a number largely driven by new debt service on collection trucks and a maintenance, truck storage facility.

Fiscal Implications

The RFP bid for the collection of solid waste equals \$3,787,170.00. This is the lowest bid received by the City for this service. This is an annual cost. Increases to this cost will be reviewed annually and increases will be requested per the contracted guidelines.

Policy Issues

None

Legal Issues

None

Recommendations and Alternate Courses of Action

1. **Motion to adopt the Resolution to award the City of Kannapolis Solid Waste Collection contract to Waste Connections of the Carolinas and Authorize the City Manager to negotiate and execute the contract at the end of the current contract and beginning on 22 July 2025. (Staff Recommended)**
2. Agree not to award the Solid Waste Collection Contract.
3. Table the issue until another meeting.

Attachments

1. City of Kannapolis RFP for MSW Collection Contract for July 2024
2. Resolution - Approving Contract for Disposal of Municipal Solid Waste (003)

City of Kannapolis RFP for MSW Collection Agreement

Bid Tabulation

Item No.	Description	<u>Waste</u>	
		<u>Connections</u>	<u>Waste Pro</u>
		<u>Unit price</u>	<u>Unit Price</u>
1	Garbage	\$ 7.29	\$ 9.30
2	Recycle	\$ 3.96	\$ 5.17
3	Bulk/WG/E	\$ 3.75	\$ 15.90
4	Back Door Garbage	\$ 7.29	\$ 9.30
5	Back Door Recycle	\$ 3.96	\$ 5.17
6	Second Cart Garbage	\$ 6.79	\$ 9.30
7	Second Cart Recycle	\$ 3.81	\$ 5.17
Subtotal			
Core Services 1,2,3		\$ 15.00	\$ 30.37
<u>Total</u>		\$ 36.85	\$ 59.31
8	Dumpster Av. Garb	\$ 461.17	\$ 319.55
9	Dumpster Recycle	\$ 525.18	\$ 341.00
10	Sm Dead Animal	\$ 18.97	\$ 20.00
11	Lg Dead Animal	\$ 28.47	\$ 25.00
12	Hourly Rate	\$ 102.13	\$ 202.25
<u>Total Bid</u>		\$ 3,787,180.00	\$ 3,816,000.00

Apparent Low Bid

Waste Connections of the Carolinas

reviewed by Michael Rattler

WasteManagement**Unit Price**

\$ 10.25
\$ 4.79
\$ 3.88
\$ 11.25
\$ 5.79
\$ 8.20
\$ 3.84

Republic**Unit Price**

\$ 10.00
\$ 5.00
\$ 4.00
\$ 10.00
\$ 5.00
\$ 10.00
\$ 5.00

COK**Unit Price**

\$ 14.61
\$ 4.86
\$ 2.16
\$ 4.00
\$ 4.00
\$ 4.00
\$ 4.00

\$ 18.92
\$ 48.00

\$ 19.00
\$ 49.00

\$ 21.63
\$ 37.63

\$ 329.30
\$ 342.59
\$ 26.35
\$ 52.73

\$ 383.40
\$ 590.00
\$ 100.00
\$ 100.00

NA
NA
\$ 20.00
\$ 50.00

\$ 154.80

\$ 225.00

\$ 150.00

\$ 4,771,296.00

\$ 4,821,000.00

\$ 5,206,359.91

RESOLUTION # _____

RESOLUTION

A Resolution Approving Contract for Disposal of Kannapolis Municipal Solid Waste Services by City of Kannapolis with Waste Connections of North Carolina, Inc.

WHEREAS, the City advertised a solicitation for bids for a contract to dispose of the City's municipal solid waste and related services; and,

WHEREAS, the City received several bids the result of which Waste Connections of North Carolina, Inc. was the lowest responsible bidder; and,

WHEREAS, Waste Connections of North Carolina, Inc is deemed capable of performing the contract as required in the request for bids; and

WHEREAS, the parties have reached agreement which are substantially embodied in the contract which is attached hereto and made a part hereof; and,

WHEREAS, upon approval by City Council, the contract shall commence on July 1, 2024.

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

1. The City Council approves the contract with Waste Connections of North Carolina, Inc. for the term commencing July 1, 2024, for five (5) years subject to two consecutive option periods of one year each exercised in the sole discretion of the City.
2. The City Manager is hereby authorized to execute the contract subject to correction of minor errors and non-substantial modification by him consistent with the intent of this Resolution.

Adopted this the ____ day of October, 2023.

Milton D. Hinnant
Mayor

ATTEST:

Bridgette Bell, MMC, NCCMC
City Clerk



Kannapolis
Agenda Staff Report
October 9, 2023

To: Mayor and City Council
From: Annette Privette Keller, Director of Communications
Subject: **PRESENTATION/UPDATE** - Gem Theatre Improvements Fundraising Campaign

Action Requested by City Council

Presentation Only. No Action Required

Required Votes to Pass Required Action

Presentation Only. No Action Required

Background

The Gem Theatre is a historic landmark that our residents have deemed an important touchpoint of our community. Before we began the first phase of improvements to the theatre, we surveyed residents at the Gem Theatre. The survey posed questions such as the importance of having the Gem Theatre remain open and viable in our downtown and what improvements residents would like to see. Over 4,000 survey responses were received with the responses overwhelmingly in support of keeping the theatre open and supporting renovations.

One of the top needs was identified as the replacement of the seats in the theatre. As we prepare for the next phase of the Gem Theatre Renovations, which includes new seating, we want to engage the public in the process. Additional items in this next phase of renovations include: new curtains, a new screen, a new projector and restoration of the historic plaster motifs.

The plan is to launch a campaign to help fund this next phase of renovations. The public will be able to purchase a pair of the current seats, a commemorative brick which will be placed on the sidewalk at the entrance to the theatre and sponsor a new seat in the theatre. We anticipate the campaign running from late October to January when the renovations are expected to begin. The goal of the campaign is less focused on generating new revenues and more focused on engaging the community in the process and creating pride and ownership in this important cultural landmark of Kannapolis.

Staff will provide an overview of this effort and answer any questions City Council may have.

Fiscal Implications

None

Policy Issues

None

Legal Issues

None

Recommendations and Alternate Courses of Action

Presentation. No Action Required

Attachments

1. GemTheatre_6x9



OWN A PIECE OF KANNAPOLIS' HISTORY!

PURCHASE A BRICK,
BUY A PAIR OF VINTAGE SEATS,
OR SPONSOR A NEW SEAT!



TRIBUTE BRICKS!

Sponsor a brick, to be installed in the sidewalk, in front of the Gem marquee.

\$125 per brick
500 bricks will be sold



VINTAGE SEATS!

Take home a pair of the vintage seats, which date back to the 1960s-1970s.

\$100 per pair
400 pairs will be sold



NEW SEATS!

Sponsor a new seat which will have a plaque with your name on it.

\$275 per seat
Only 800 seats available

For over 75 years the Gem Theatre has been the star of downtown Kannapolis. From movie premieres to special dates, engagement proposals to wedding ceremonies, the Gem Theatre has been an iconic structure and place of history for the City and its residents.

In 2015 the City of Kannapolis acquired the theatre and began the process of refurbishing the marquee, and essential elements such as the roof, heating and air conditioning systems and restrooms were replaced or added. Now, it's time to give the interior of the theatre a facelift.

The seats, projector, screen, curtains and historic plaster motifs are in need of repair and/or replacement. This phase of renovations is expected to cost approximately \$1.2 million.

You can share your love of the Gem Theatre in several ways. Sponsor a new seat, purchase a pair of its current seats, or purchase a marquee sidewalk brick.

All three for \$500.

Corporate sponsorship packages of \$1,000-\$10,000 are also available.

Visit gem-theatre.com or scan the QR code below to purchase your pair of vintage seats, sponsor a new seat or purchase a tribute brick.

For more information email:
GEM@kannapolisnc.gov



**GEM
THEATRE
KANNAPOLIS**



Kannapolis
Agenda Staff Report
October 9, 2023

To: Mayor and City Council

From: Michael Rattler, Director of Transportation & Environmental Services

Subject: **RESOLUTION** - Stating The Intent of the City of Kannapolis to Schedule a Public Hearing on the Assessment of Cost Share Amounts of Opal Street Improvements and Acceptance to the City of Kannapolis Maintenance Schedule.

Action Requested by City Council

Motion to approve the Resolution Stating The Intent of the City of Kannapolis to Schedule a Public Hearing on the Assessment of Cost Share Amounts of Opal Street Improvements and Acceptance to the City of Kannapolis Maintenance Schedule.

Required Votes to Pass Required Action

Majority Present at Meeting

Background

A petition has been received by the Transportation Department requesting to have Opal St accepted to the City of Kannapolis' Street Maintenance Schedule. The petition has been signed by greater than 51 percent of the linear frontage property owners within the requested area. Bethel Baptist Church is the largest property owner at 1014.02 LF/ 75%, other property owners are L. Shivers at 122.5 LF/ 9%, J Stofford at 60 LF/ 4% , N McCree at 60 LF/ 4% , L Robison at 60 LF/ 4% and J Turner at 30 LF/ 2%. Four property owners did not sign the petition.

An attached table identifies assessment amounts for immediate payment or an extended 10-year payment period.

Fiscal Implications

Upgrades to bring Opal Street to an acceptable minimum standard is estimated at \$180,000.00. Improvements to the water distribution system is estimated at \$230,000.00 Improvements would be tentatively scheduled for FY25.

Policy Issues

The City Of Kannapolis Street Acceptance Policy requires a Public Hearing prior to assessment and acceptance of a petitioned street.

Legal Issues

The assessment process will occur on all properties that are connected to the right-of-way. Notice of said assessment of cost sharing amounts Public Hearing shall be given by publication, mailing, and posting as required by law.

Recommendations and Alternate Courses of Action

1. **Motion to approve the Resolution stating The Intent of the City of Kannapolis to Schedule a Public Hearing on the Assessment of Cost Share Amounts of Opal Street Improvements and Acceptance to the City of Kannapolis Maintenance Schedule and to set a date for the Public Hearing of 23 October 2023 (Recommended)**
2. Table the request until a later meeting.
3. Take no action.

Attachments

1. Opal St Petition for Street Acceptance for Opal St 2023
2. Opal PVA Powell Bill Map
3. Opal St. Cab GIS Lot Dimensions
4. Opal Street Kannapolis Estimate for Upgrade and Acceptance August 2023
5. Opal Street Summary of Assessment Amounts per Linear Footage of Property 2023
6. Resolution For Public Hearing for Acceptance and Assessment of Cost Sharing of Opal Street Improvements



Petition For Street Improvements

We the undersigned, being the property owner have an interest in the streets described below and as shown on a plat recorded in the office to Register of Deeds of Cabarrus County in Map Book 58, Page 40, do hereby request that the City Of Kannapolis accept said street(s) for public maintenance. We hereby agree to dedicate to the City of Kannapolis a permanent rights-of-way as standards require for installation and maintenance of streets and other public utilities. Further we agree with the special assessment for cost sharing amounts for the acceptance and upgrades to minimum street standards are part of this process. The assessment amount for each owner will be assigned as percentages of the total cost in relation to the owner's linear foot adjacent to the rights-of-way of each parcel.

Street Description:

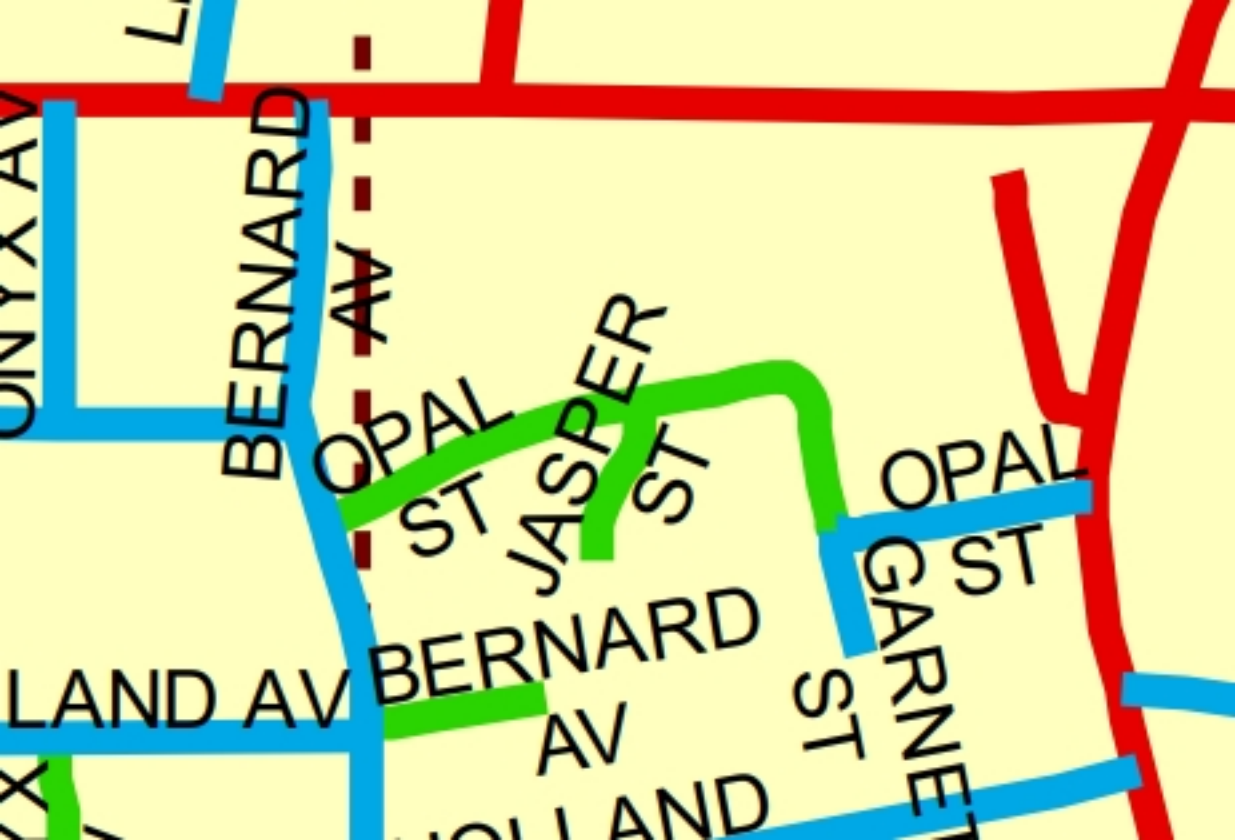
Opai Street between Garnet St and Bernard Ave

Petitioners:

Name	Address	Signature	Date
Antonio D. Johnson	2474 Dale E. Church Blvd	[Signature]	3-3-2023
Simon B. Rose	201 Park St CHINA GROVE, NC	[Signature]	3-4-2023
BERNARD M. RANDOLPH JR	"	[Signature]	3-15-23
C. Donnell Dixon	170 Austin Blun	[Signature]	3-16-23
Alicia J. Broadway	509 S. Little Texas Pl, Kannapolis, NC	[Signature]	3-22-23
EDISON McCREA	5700 MONTICELLO DR CONCORD NC	[Signature]	3/22/23

City of Kannapolis

401 Laureate Way, Kannapolis NC 28081



BERNARD

OPAL ST

JASPER ST

OPAL ST

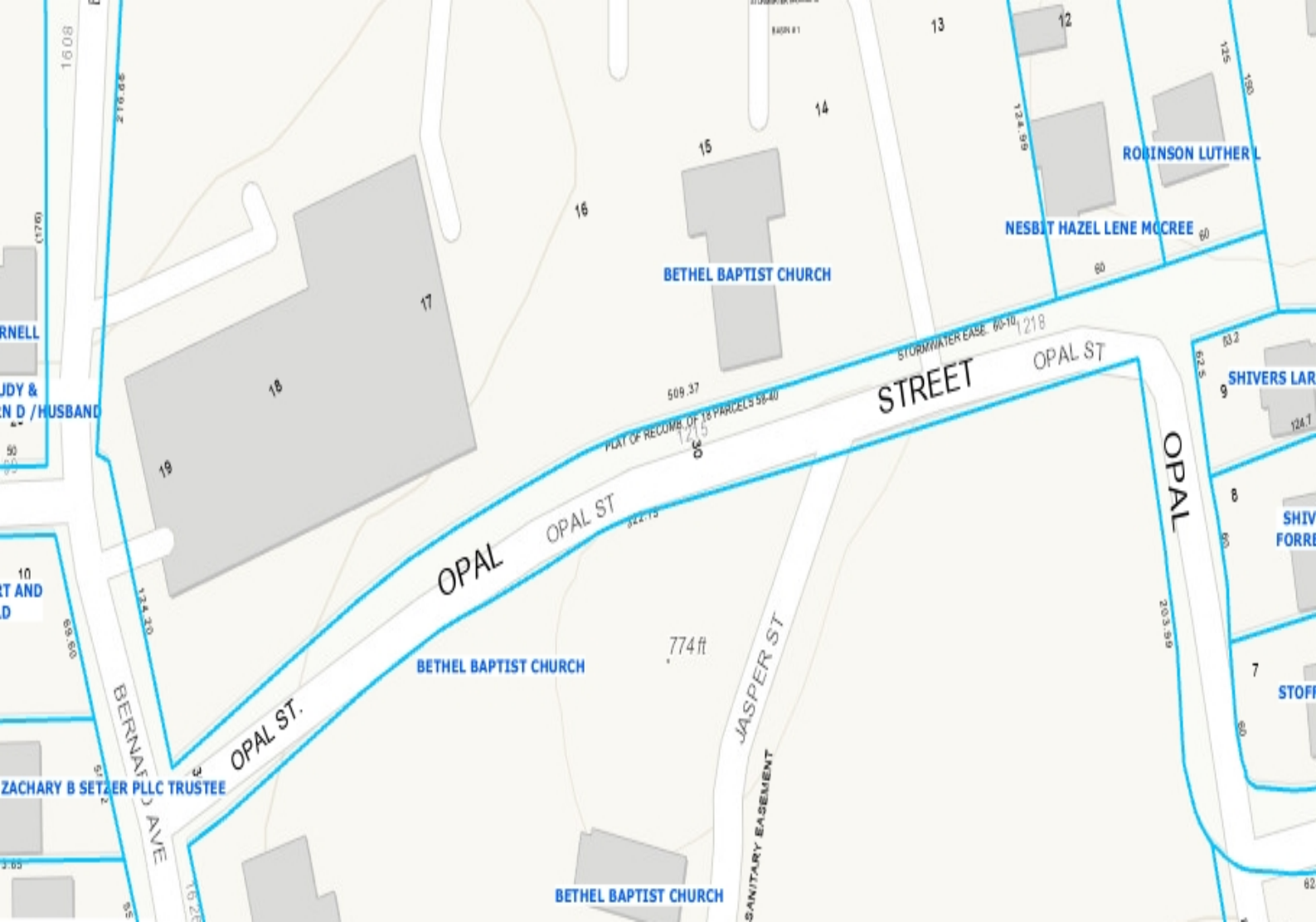
GARNETT ST

LAND AV

BERNARD AV

LAND

X AV



OPAL STREET IMPROVEMENTS (PRIVATE SECTION FROM GARNETT STREET TO BERNARD AVE)					AUGUST 2023
PROJECT LENGTH		790 LF			
PROPOSED WIDTH		18 FT			
EXISTING SURFACE		MIX OF ASPHALT/GRAVEL			
PROJECT SCOPE: PATCH EXISTING ROADWAY, OVERLAY WITH LEVELING COURSE AND THEN 1.5" S9.5B					
ITEM	DESCRIPTION	QUANTITY	UNIT	PRICE	EXTENSION
1	MOBILIZATION	1	LS	\$ 10,000.00	\$ 10,000.00
2	GRADING-MINIMAL DITCH WORK AND SHOULDERS	1	LS	\$ 25,000.00	\$ 25,000.00
3	GEOTEXTILE FOR SOIL STABILIZATION	100	SY	\$ 3.15	\$ 315.00
4	UNDERCURT EXCAVATION	100	CY	\$ 73.50	\$ 7,350.00
5	DRIVEWAY TIE-INS	1	LS	\$ 10,500.00	\$ 10,500.00
6	PAVEMENT REPAIR	100	TN	\$ 262.50	\$ 26,250.00
7	LEVELING COURSE	100	TN	\$ 157.50	\$ 15,750.00
8	1.5" S9.5B SURFACE COURSE	150	TN	\$ 157.50	\$ 23,625.00
9	ADJUST VALVE/MANHOLES	6	EA	\$ 472.50	\$ 2,835.00
10	DRAINAGE ALLOWANCE	1	LS	\$ 20,000.00	\$ 20,000.00
11	INCIDENTAL MILLING (0-1.5")	160	SY	\$ 10.50	\$ 1,680.00
				SUBTOTAL	\$ 143,305.00
				10% CONTINGENCY	\$ 14,330.50
				TOTAL	\$ 157,635.50
				CONSTRUCTION ESTIMATE	\$160,000.00
				CONSTRUCTION ADMINISTRATION 10%	\$16,000.00
				TOTAL PROJECT	\$176,000.00
BUDGET ESTIMATE NOT BASED ON DESIGN				ESTIMATE	\$180,000.00

OPAL STREET IMPROVEMENTS (PRIVATE SECTION FROM GARNETT STREET TO BERNARD AVE)					AUGUST 2023
AND PUBLIC SECTION FROM GARNETT TO CONCORD LAKE ROAD					
INCLUDES OVERLAY OF PUBLIC SECTION					
TOTAL LENGTH 1,050 LF					
WATERLINE REPLACEMENT					
ITEM	DESCRIPTION	QUANTITY	UNIT	PRICE	EXTENSION
1	6" PVC WATER MAIN	1050	LF	\$ 65.45	\$ 68,724.72
2	RECONNECT METER	8	EA	\$ 1,605.41	\$ 12,843.25
3	FIRE HYDRANT ASSMBLY	2	EA	\$ 6,721.63	\$ 13,443.27
4	6" VALVE	2	EA	\$ 2,167.71	\$ 4,335.42
5	6" TAPPING SLEEVE AND VALVE	1	EA	\$ 7,640.24	\$ 7,640.24
6	12X6 TAPPING SLEEVE AND VALVE	1	EA	\$ 9,585.02	\$ 9,585.02
7	ABANDON 2" WATERLINE (JASPER ST)	200	LF	\$ 9.59	\$ 1,917.03
8	ABANDON 6" WATERLINE(OPAL ST)	1050	LF	\$ 19.17	\$ 20,128.78
9	TIE TO EXISTING WATER	4	EA	\$ 2,500.00	\$ 10,000.00
10	ABC STONE IN TRENCH BACKFILL	160	TN	\$ 75.00	\$ 12,000.00
11	LEVELING COURSE	40	TN	\$ 157.50	\$ 6,300.00
12	1.5" S9.5B SURFACE COURSE	60	TN	\$ 157.50	\$ 9,450.00
				SUBTOTAL	\$ 176,367.73
				10% CONTINGENCY	\$ 17,636.77
				TOTAL CONSTRUCTION	\$ 194,004.51
				ENGINEERING 15%	\$ 29,100.68
				TOTAL BUDGET	\$ 223,105.18
BUDGET ESTIMATE NOT BASED ON DESIGN				ESTIMATE	\$ 230,000.00

Water	NCDOT Bid Averages (2021)		2024 DOLLARS
	Unit Cost	Unit	
6" Water line	\$ 56.54	LF	\$ 65.45
Reconnect Meter	\$ 1,386.81	EA	\$ 1,605.41
Fire Hydrant	\$ 5,806.40	EA	\$ 6,721.63
6" Water Valve	\$ 1,872.55		\$ 2,167.71
6" TSV	\$ 6,599.93		\$ 7,640.24
6X12 TSV	\$ 8,279.90		\$ 9,585.02
ABANDON 2"	\$ 8.28		\$ 9.59

Opal Street Acceptance

		25%		50%
Engineered Cost estimate to install Asphalt Street: \$	180,000.00	Total Cost: \$	45,000.00	\$ 90,000.00
		Cost per LF: \$	33.42	\$ 66.84

Lot #	Pin #	Physical Address	Owner	Owner Address	Road footage	Percentage	Immediate Cost	10 year cost
1	56232068900000	2540 Dale Earnhardt Blvd Kannapolis 28083	Bethel Baptist Church	Ministries A NC Corporation Kannapolis NC 28023	509.37	38%	\$ 17,022.88	\$ 34,045.76
2	562320746900000	1206 Opal St Kannapolis NC 28083	Bethel Baptist Church	Ministries A NC Corporation Kannapolis NC 28023	504.65	37%	\$ 16,865.14	\$ 33,730.28
3	562320977500000	1217 Opal St Kannapolis NC 28083	Nesbit Hazel Lene McCree	1217 Opal St Kannapolis NC 28083	60	4%	\$ 2,005.17	\$ 4,010.34
4	562330072800000	1219 Opal St Kannapolis NC 28083	Robinson Luther L	1219 Opal St Kannapolis NC 28083	60	4%	\$ 2,005.17	\$ 4,010.34
5	562330067500000	1221 Opal St Kannapolis NC 28083	Shivers Larry D	C/O Albertelli Law Partners Charlotte NC 28217	62.5	5%	\$ 2,088.72	\$ 4,177.44
6	562330058900000	1223 Opal St Kannapolis NC 28083	Shivers Larry D	C/O Albertelli Law Partners Charlotte NC 28217	60	4%	\$ 2,005.17	\$ 4,010.34
7	562330059300000	1225 Opal St Kannapolis NC 28083	Stofford Joel	913 Brighton Dr Kannapolis NC 28081	60	4%	\$ 2,005.17	\$ 4,010.34
8	56233017550000	1606 Concord Lake Rd Kannapolis NC 28023	Turner Jodi D	11001 Tavernay Parkway Charlotte, NC 28262	30	2%	\$ 1,002.58	\$ 2,005.17

	Total:	1346.52	100.00%	\$ 45,000.00	\$ 90,000.00
	Total Signed:	1134.02	79%		

**A RESOLUTION STATING THE INTENT OF THE
CITY OF KANNAPOLIS TO SCHEDULE A PUBLIC HEARING ON ACCEPTANCE TO
CITY MAINTENANCE SCHEDULE AND ASSESSMENT OF COST SHARE AMOUNTS OF
OPAL STREET IMPROVEMENTS**

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 hold a Public Hearing on acceptance to the City maintenance schedule and assessment of cost share amounts of Opal Street Improvements.

Section 2. That a Public Hearing on acceptance to the City maintenance schedule and assessment of cost sharing of Opal Street improvements will be held at 401 Laureate Way, Kannapolis, North Carolina, at 6:00 o'clock p.m. on or after the 23rd of October 2023 at which time process for cost sharing assessment will be explained, and all persons will be given an opportunity to be heard.

Section 3. That notice of said Acceptance to the City Maintenance Schedule and Assessment of Cost Sharing Amounts Public Hearing shall be given by publication, mailing, and posting as required by law.

Adopted this 09th day of October 2023.

Milton D. Hinnant, Mayor

Bridgette Bell, MMC, NCCMC
City Clerk



Kannapolis
Agenda Staff Report
October 9, 2023

To: Mayor and City Council
From: Becky Tolle, Recreation Superintendent, Annette Privette Keller, Director of Communications
Subject: **FACILITIES USE POLICY** - Amended Policy Update

Action Requested by City Council

Presentation Only. No Action Required

Required Votes to Pass Required Action

Presentation Only. No Action Required

Background

A Facilities Use Policy has been in place since 2015, when the City opened the Laureate Center and began rental of facilities such as the Train Station, Village Program Room, and now the Gem Theatre. It was last amended in 2021.

Over the last eight years only minor changes have been made to the policy as we continue to evaluate the use of the spaces, and our typical renter/customer base as it evolves. The staff has thoroughly reviewed the policy and is suggesting changes based on the history of the spaces and future expected rentals.

Staff is recommending slight increases in the fees to cover increasing staff and material costs. For example, we are recommending the hourly rent of the Laureate Center to increase from \$75 to \$100 an hour. Our rental rates will remain lower than the majority of rental spaces in Cabarrus and Rowan Counties even with this increase.

Also recommended is the establishment of rental customer categories. These categories include non-profit organizations, schools, the North Carolina Research Campus, City partners, and tourism driver events. We based these categories on the historical requests and reservations we have experienced over the last eight years. These categories will give us the opportunity to encourage more professional use of our spaces during the weekday. Weekend use of our facilities continues to be popular with most all our spaces rented a year in advance.

The amended policy is attached. The recommended changes are depicted in red. This policy with any suggested changes from City Council will be added to a future City Council agenda for action.

Fiscal Implications

None

Policy Issues

None

Legal Issues

None

Recommendations and Alternate Courses of Action

No Action Required

Attachments

1. COK facilities rental policy draft 08.08.23



City Facilities Use Policy

Parks and Recreation Commission Approved June

2020 Updated & City Council Approved July 2021

Draft – August 8, 2023

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City Facilities Use Policy

Purpose: The purpose of this Facility Use Policy is to define the applicability of facilities owned and operated by the City of Kannapolis for public use and the requirement for using these facilities. The City intends to allow the use of specified rooms and related facilities for the benefit of the designated user, provided such use does not interfere with the operations of the City.

Applicability: This Policy applies to City Hall, Train Station, Village Park, Gem Theatre, gymnasiums, Veterans Park, Dale Earnhardt Tribute site, and all of the West Avenue Streetscape.

In general, the following City owned facilities may be requested and used according to this policy through the Parks and Recreation Office:

Capacity and Setup Table					
	Square Footage	Theater <i># of people</i>	Banquet <i># of people</i>	Classroom <i># of people</i>	Reception <i># of people</i>
CITY HALL & POLICE HEADQUARTERS					
Laureate Center – I	1,590	100	50	50	150
Laureate Center – II	2,120	160	80	85	250
Laureate Center – III	1,590	100	50	50	150
Laureate Center – I & II	3,710	280	150	130	500
Laureate Center – II & III	3,710	280	150	130	500
Laureate Center – I, II, & III	5,300	450	260	215	700
Terrace	250	18	10	6	25
ADDITIONAL FACILITIES					
Train Station Event Room	2,130	168	80	72	300
Village Park Event Room	1,400	120	60	54	175
Village Park Patio	Open	n/a	n/a	n/a	n/a
Gem Theatre Event Room		40	36	36	40
Veterans Park Gazebo	Open	n/a	n/a	n/a	n/a
Dale Earnhardt Plaza	Open	n/a	n/a	n/a	n/a
West Avenue Reading Room	1,606	Open Space			
West Avenue Reading Room Terrace	1,600	Open Space			
West Avenue Event Lawn	2,425	Open Space			
West Avenue Pergola	800	Open Space			
West Avenue Pump House Patio	800	Open Space			
West Avenue Putting Green	750	Open Space			
West Avenue Platform 1	1,200	Platform Stage (L-Shaped stage)			
West Avenue Platform 2	1,200	Platform Stage (Series of three 20 x 20 stages)			



City Facilities Use Policy

Capacity and Setup Table						
<i>Department Use Only</i>	Square Footage	Theater # of people	Banquet # of people	Classroom # of people	Reception # of people	Pre-Set # of people
CITY HALL & POLICE HEADQUARTERS						
Conference 1233 (Council)	625	n/a	n/a	n/a	n/a	12
Conference 2201 (Executive)	760	n/a	n/a	n/a	n/a	16
Conference 3236 (Magnolia)	300	n/a	n/a	n/a	n/a	8
Conference 3302 (Cherry)	300	n/a	n/a	n/a	n/a	8
Conference 3307 (Oak)	625	n/a	n/a	n/a	n/a	12
EOC/Training – Section 1	630	36	30	45	100	n/a
EOC/Training – Section 2	630	36	30	45	100	n/a
EOC/Training – Sections 1 & 2	1,260	108	50	72	200	n/a

** Capacities are based on allowable limits per N.C. Fire Code, not square footage.*

Rental applicants may request specific areas, but the City Manager or designee reserves the right to place rentals in available and appropriate locations.

Application: To secure a date for any event in a City facility, the City Manager or designee must approve a completed reservation application. Reservations are confirmed on a first-come, first-served basis up to two years (24 months) in advance. Only the facilities or room(s) paid for and confirmed through a reservation may be used. A separate reservation form must accompany each request for use. Recurring reservations are permitted for a period not exceeding twelve months from the date of initial use.

A rental is confirmed when 100% of the security deposit is received. The remaining balance of rental and equipment fees is required ten (10) business days before the event. If the renting party does not pay all fees timely, the contract becomes void. A **\$250.00** security deposit is required for all professional events and a **\$500.00** security deposit for all social events. **Events serving alcohol will be assessed a venue service charge of \$150.00.**

The City Manager or designee is authorized to cancel or relocate any reservations due to scheduling conflicts or unforeseen events that make a room or facility unavailable, unsafe, unreasonable, or otherwise not in the City's or the public's best interest. If the City requires a cancellation or relocation of a reservation, the City will notify the applicant as soon as possible of the change and refund any required fees or deposits. Should any groups or entities need to cancel the reservation, they must provide a minimum of a ten (10) business day notice in writing, or this could cause the forfeiture of all paid money.



City Facilities Use Policy

Deposits: Security deposits are due at the time the application is submitted. The City will process refund payments for security deposits immediately following the event and return a full deposit no later than 30 days after using the facility, provided guidelines have been adhered to, and no damage has resulted from using the facility.

- Damages and extensive cleaning will result in forfeiture of all or a portion of the refundable security deposit.
- If a room, facility, or any of its contents suffers damage due to the actions or neglect of groups or entities that have reserved the room or facility, the renting party will be charged the actual costs to repair or replace the room, facility, or damaged item, in addition to forfeiting the security fee for the use of the room or facility.
- The renting party shall be responsible for all claims, damage, or accidents by any act, omission, default, subcontractor, employees, patrons, guests, or negligence. Upon demand, the renting party will pay the City in cash or credit card a sum equal to the cost of repairing and restoring the facility to its condition as of the beginning of this lease.
- **Venue Service Charge: Events serving alcohol will be assessed a \$150.00 service charge.**

Rental Fees: Completed applications and security deposits are required to hold a date for a reservation. These are required no earlier than twenty-four (24) months and no later than ten (10) business days before the date the facility is being requested.

- Ten (10) business days before the event date, the rental fee balance is due.
- City Council and City of Kannapolis Employees will be charged the professional event hourly rate for non-City business and personal use rentals.
- Most facilities are assigned basic equipment and included in rental fees. Contact the City Manager or designee for additional information on the equipment in each space.
- Open space and gymnasium rentals do not include any equipment, such as tables or chairs. However, power is available at most sites. This applies to Veterans Park, Dale Earnhardt Tribute, and all West Avenue spaces.

Additional equipment, packages, and services can be added to a reservation. For further information and pricing on these add-ons, contact the City Manager or designee for additional information and prices.

Under Section 163-99 of the North Carolina General Statutes, the City is authorized and directed to permit the use of space within the City Hall without charge, except custodial and utility fees, by political parties, as defined in G.S. 163-96, for the express purpose of annual or biennial precinct meetings and county and district conventions.



City Facilities Use Policy

Availability of Facilities: The applicable rooms and facilities of the City are available daily between 7:00 a.m. and 12:00 a.m. (midnight). These times are inclusive of setup and cleanup times. Facility reservations will not be scheduled on **Easter Sunday**, Thanksgiving Day, **Christmas Eve**, and Christmas Day. All reservations, including uses, dates, and times are subject to the City Manager or designee's review and approval. Setup and cleanup need to be included in the rental times. These times will need to be listed on the application along with the event time.

To accommodate as many groups or entities as possible during popular meeting dates, unless otherwise approved by the City Manager or designee, applicable rooms and facilities must be reserved for specific periods. Facility Use Applications that do not contain specific or general time periods, such as "all day," will be denied. Also, groups or entities may be asked to alter requested time periods and facility space to accommodate as many groups or entities as possible.

- **Professional Events are considered gatherings where business professionals carry out business-related activities. This includes but is not limited to conferences, trainings, meetings, religious services, networking, political party gatherings, and corporate dinners.**
- **Social Events are considered an occasion that involves social interactions and behaviors. This includes but is not limited to galas, weddings, birthdays, class reunions, and fundraising or celebratory banquets.**

Facility Deposits and Fees: The following fees shall apply for the use of facilities:

Rate Table				
Rates are PER HOUR	Professional Events	Social Events	Security Fee Refundable	Other Conditions
CITY HALL & POLICE HEADQUARTERS				
Laureate Center – Section I	\$100/hr	\$125/hr	\$100 - \$250	Alcohol Service Fee if applicable
Laureate Center – Section II	\$100/hr	\$125/hr	\$100 - \$250	Alcohol Service Fee if applicable
Laureate Center – Section III	\$100/hr	\$125/hr	\$100 - \$250	Alcohol Service Fee if applicable
Laureate Center – Sections I & II	\$200/hr	\$250/hr	\$100 - \$250	Alcohol Service Fee if applicable
Laureate Center – Sections II & III	\$200/hr	\$250/hr	\$100 - \$250	Alcohol Service Fee if applicable
Laureate Center – Sections I, II & III	\$300/hr	\$350/hr	\$100 - \$250	Alcohol Service Fee if applicable
Council Conference	\$50/hr	\$60/hr	\$100 - \$250	
Kitchen*	\$100 flat rate			
Gallery*	\$100 flat rate			
Outside Terrace*	\$100 flat rate			



City Facilities Use Policy

Rate Table				
Rates are PER HOUR	Professional Events	Social Events	Security Fee Refundable	Other Conditions
ADDITIONAL FACILITIES				
Train Station Event Room	\$75/hr	\$100/hr	\$100 - \$250	Alcohol Service Fee if applicable
Village Park Event Room	\$75/hr	\$100/hr	\$100 - \$250	Alcohol Service Fee if applicable
Village Park Patio*	\$ 15/hr	\$20/hr	\$100 - \$250	
Gem Theatre Event Room	\$40/hr	\$50/hr	\$100 - \$250	Alcohol Service Fee if applicable
Veterans Park Gazebo	\$50/hr	\$75/hr	\$100 - \$250	Alcohol Service Fee if applicable
Dale Earnhardt Plaza	\$ 20/hr	\$25/hr	\$ 100	
West Avenue Reading Room	\$ 20/hr	\$25/hr	\$ 100	
West Avenue Reading Room Terrace	\$ 20/hr	\$25/hr	\$ 100	
West Avenue Event Lawn	\$ 25/hr	\$30/hr	\$ 100	
West Avenue Platform 1 "L-shaped"	\$ 25/hr	\$ 30/hr	\$ 100	
West Avenue Platform 2 "3 Decks"	\$ 30/hr	\$ 35/hr	\$ 100	
West Avenue Pergola	\$ 20/hr	\$ 25/hr	\$ 100	
West Avenue Pump House Patio	\$ 25/hr	\$ 30/hr	\$ 100	
West Avenue Putting Green	\$ 20/hr	\$ 25/hr	\$ 100	

* A venue service charge of \$150.00 will be assessed for all groups serving alcohol.

* Kitchen and Gallery areas cannot be rented unless part of the Laureate Center is rented.

* Outside Terrace/Patio Areas cannot be rented unless inside space is rented.

* West Avenue Platform 1 cannot be rented unless West Avenue Event Lawn is rented.

* West Avenue Reading Room cannot be rented unless West Avenue Reading Room Terrace is rented.

- Professional Event Rental Minimum – 2 hours
- Social Event Rental Minimum – 4 hours

Extended Stay Time Rental – 15% discount when any room or combinations of spaces are rented for 12+ hours during a single booking.

Kannapolis School System Rentals: As part of the Joint Use of Facilities Agreement with the Kannapolis City Schools, the school system may use city facilities for nonsocial purposes, such as workshops, conferences, and meetings, at no cost, subject to availability (7:00 a.m. – 6:00 p.m., Monday – Friday; no weekends). Rentals must be by the district office, not individual schools or third-party vendors. Rentals that fall under the tourism category, such as conferences attracting out-of-county attendees, will be treated as Tourism Impact Rentals (see below).



City Facilities Use Policy

City Partner & Local Government Rentals: Will receive one free city facility rental annually, subject to availability. Rentals will be for the use of the partner and not third parties. The free rental will be between 7:00 a.m. – 6:00 p.m., Monday – Friday, no weekends. Rentals that fall under the tourism category, such as conferences attracting out-of-county attendees, will be treated as Tourism Impact Rentals (see below).

City Partners & Local Government are:

- Cabarrus and Rowan Chamber of Commerces
- Cabarrus and Rowan Economic Development Corporations
- Cabarrus and Rowan Schools
- Cabarrus and Rowan Convention and Visitor Bureaus
- Kannapolis Cannon Ballers
- Cabarrus County and Rowan County Governments

Non-Profit N.C. Research Campus Partners: N.C. Research Campus Partners, who are non-profits, will receive two free city facility rentals annually, subject to availability. This includes the universities and community colleges on the campus and Cabarrus Health Alliance.

Rentals will be for the use of the partner and not third parties. The free rental will be between 7:00 a.m. – 6:00 p.m., Monday – Friday, no weekends. Rentals that fall under the tourism category, such as conferences attracting out-of-county attendees, will be treated as Tourism Impact Rentals (see below).

Non-Profit (501c) Organizations - Non-Profit Organizations based in Cabarrus & Rowan Counties will receive 50% off one rental annually, subject to availability. Rentals will be for the use of the organization and not third parties. The free rental will be Monday – Friday, no weekends. Rentals that fall under the tourism category, such as conferences attracting out-of-county attendees, will be treated as Tourism Impact Rentals (see below).

Government-Affiliated Organizations: Professional government organizations affiliated with city employees will receive one free city facility rental, subject to availability. Rentals would be for the use of the organization and not third parties. The free rental will be Monday – Friday, no weekends. Rentals that fall under the tourism category, such as conferences attracting out-of-county attendees, will be treated as Tourism Impact Rentals (see below).

- 33% discount on the rental for any tourism-related event with an impact of \$5,000.
- 50% discount on the rental for any non-ticketed tourism-related event with an impact of \$10,000 or more

Tourism Impact Rentals: Rentals related to tourism economic impacts for the City of Kannapolis and Cabarrus/Rowan Counties will be charged a rental fee. However, a discount would apply using a graduated payment scale. Tourism impacts include overnight lodging, food, beverage, and other monies attendees spend for the event/activity. The Cabarrus and Rowan County CVBs use a national formula that calculates approximately \$115 spent by a person attending these tourism activities.



City Facilities Use Policy

Cancellations: Cancellations must be provided in writing ten (10) business days before the event. In this case, a full refund shall be given for rent and security fees. Special consideration may be given during a natural disaster or a medical emergency. For cancellations provided less than ten (10) business days in advance, all rent deposits will be forfeited at the discretion of the City. Any cancellation made after the room is set up results in forfeiture of all rent, deposits, and fees. Rescheduling will be considered by the Parks and Recreation Director's Office and is subject to availability.

If the City of Kannapolis is declared closed due to a natural disaster, including weather-related events and medical emergencies, any permission to use the facility is automatically withdrawn during the closure period. Kannapolis government closure information is available on the City's website, City's social media, local radio, and T.V. stations. In such an event, the City shall not provide notice of cancellation. Users shall be solely responsible for notifying event participants. A 100% refund will be granted if this type of closure occurs.

Non-Discrimination Policy: The City of Kannapolis prohibits discrimination against any person for any reason, including age, ancestry, color, disability or handicap, national origin, race, religion, gender, sexual or affectional orientation, gender identity, political affiliation, marital status, veteran status, or any other characteristic protected by law.

Indemnification: The person renting agrees to indemnify and hold the City, its officers, agents, and employees harmless from any loss or liability which may result from claims of injury to persons or property from any cause arising out of or during the use and occupancy of the facility by Renting person and their guests, agents, or employees.

General Rules of Use:

1. All use of rooms and facilities, except incidental use by City staff, must be scheduled in advance through an application filed with the Parks and Recreation Office. All required deposits must accompany the application.
2. To reserve a facility, the renter must be at least 21 years old and present during the event. For events where minors (18 years or younger) will be a majority of the attending guests, one adult to every ten minors must be present. The renting party is responsible for the orderly behavior of guests using the facility and must conform to all departmental policies, facility and City rules, and regulations.
3. Under no circumstances will a group or entity using a room or facility be given a key to access any City facility. City staff will provide access to the room or facility.



City Facilities Use Policy

4. The kitchen space is rented only at the Laureate Center and Village Park. The kitchen may be used for warming, cooling, and plating but is not for preparing raw products. Food must be cooked offsite. The kitchen must be cleaned before leaving the facility within the rental time. Failure to comply may result in forfeiture of the renting party's security deposit. The renting party should furnish all meal-related equipment. Kitchen facilities are not for preparing food for sale. Please note there shall be NO use of the kitchen or the contents unless it is rented. The kitchen must be rented in combination with another space; the kitchen cannot be rented as a standalone space.
5. the City will provide all rental applicants with recommended caterers at the Laureate Center. These caterers have provided the required information and have received the necessary training on the building/equipment. If a rental applicant wishes to use a different caterer not on the recommended list, the company must comply with all requests and regulations (health department certifications, insurance, etc.). Should one or two events be scheduled for one facility simultaneously, only one approved caterer will be allowed in the area.
6. Renting party shall promptly report all accidents or incidents which result in either personal injury or damage to the property of the City, an employee, or a member of the public, regardless of who is responsible for the damage.
7. Renting party shall immediately report defective equipment or unsafe conditions of any equipment or facilities that may endanger anyone to the City employee in charge of the facility.
8. The City, its officers, agents, and employees shall have the right to enter the facility at all times during the rental event to confirm renting party's conformance to this policy. If the City determines, in its sole judgment, that renting person has breached a term of this policy, the City shall have the right to immediately terminate this rental agreement before the expiration of its period and before the event's conclusion without any refund to the renting person.
9. In the event of an emergency and severe weather, City Manager or designee has the authority to suspend all activity within the facility and evacuate all individuals to the nearest emergency shelter.
10. The use of rooms and facilities does not obligate the City to provide any furnishings or equipment not currently assigned to the area or listed in the rental contract. Furnishings and equipment may not be removed from the room or facility. Additional equipment may be brought into rooms and facilities if noted on the application and pre-approved by the City Manager or designee.
11. City equipment, including furnishings and audio-visual equipment, may only be used if provided through the rental contract. Additional fees may apply. The use of displays, decorations, or similar items is expressly limited to freestanding elements, tables, or easels. The attachment of displays, decorations, or similar items on walls, doors, windows, or any other surface is prohibited.



City Facilities Use Policy

12. Helium balloons are prohibited in all facilities unless securely tethered at all times.
13. City facilities are a smoke-free environment. Smoking and vapor are prohibited in/on City property.
14. Serving alcoholic beverages will be allowed with approval and permits when necessary, according to state and federal laws. Please note that alcohol is not permitted in gymnasiums or school property. All alcohol must be delivered to and removed from the premises during the hours reserved by the renting party. The renting party assumes all responsibilities and liabilities associated with serving or using alcoholic beverages for their event or use of the facility. Events serving alcohol will be required to pay an additional \$150.00 deposit. (*Alcoholic Beverage Ordinance available upon request*)
15. Groups or entities using rooms and facilities will return the rooms and facilities to their pre-event condition per the checklist provided with the application. The renting party is responsible for placing all garbage/recycling in the designated receptacles. City staff will remove all garbage/recycling from the building after the end of the rental. If receptacles become full, City staff must be notified. The security fee will not be refunded if this rule is violated.
16. Parking is available in all parking areas unless otherwise posted. Loading and unloading shall be done from the designated parking areas. Cars are not permitted on sidewalks or grass areas.
17. Any static signage or the facility's electronic signage must be requested on the application and approved by the City Manager or designee.
18. Under no circumstances may a group or entity use the City's insignias, including the City logo, without the express permission of the Director of Communications.
19. Advertising/promotion of events, meetings, programs, etc., for which space within a facility has been reserved must clearly state the sponsor of the event, a local contact person, and a telephone number. Promotional materials, press releases, etc., must be worded so it is clear to the general public that the City of Kannapolis did not sponsor the event. Failure to comply with this policy may lead to immediate cancellation of the event and forfeiture of rental fees and deposit paid.
20. Advertising and promotion of events may only occur once the security deposit is paid.
21. Failure to conclude the use of a room or facility (defined as more than fifteen minutes beyond the time indicated on the application) may result in the forfeiture of the security fee and additional fees assessed.
22. Groups and entities using the rooms and facilities are responsible for their behavior and are expected to comply with all policies, laws, and regulations. Failure to do so could result in dismissal from the facility, the denial of future use applications, and forfeiture of the security fee.



City Facilities Use Policy

23. The City reserves the right to deny the use of the rooms, spaces, and/or facilities if it is determined that the use is not in the best interest of the City and the public. The City also reserves the right to evict any group or entity from any room or facility if deemed in the City's and the public's best interest.
24. The renting party will observe and obey all the Laws of the United States and the State of North Carolina; all applicable ordinances of Cabarrus County and the City of Kannapolis; all rules, regulations, and requirements of the Cabarrus County Health Department; the Kannapolis Police and Fire Departments and other municipal authorities of the City. The renting party will obtain all licenses, permits, and union and trade organization clearances required by any public body or contract at their expense.
25. The following require approval of the City Manager or designee:
 - a. Charging for admission, selling tickets, or taking subscriptions or collections. No admission may be charged for gymnasiums or on school property.
 - b. Dances or Bands; sound level shall not exceed 100 decibels. Any use of amplified sound in outdoor/open spaces will require the renter to obtain a sound permit from the Kannapolis Police Department.
 - c. Selling or offering of merchandise.
 - d. Tents and additional outside fixtures.
26. If the rental is being used as part of a parade/march, street fair, trail/greenway, run/walk/bike, festival, etc., a special event application must be submitted and approved for the space rental to be approved. Additional fees may apply.
27. A police officer/security may be required for any social event activity when more than 200 persons are expected or when deemed necessary by the City Manager or designee. Any monetary compensation required for such service shall be the responsibility of the renting party and will be added to the renter's total fee.
28. The City assumes no responsibility for lost, stolen, or damaged personal property. All activities must cease by 12:00 a.m. (midnight) unless previously approved by the City Manager or designee; this requirement includes cleanup of the event.



City Facilities Use Policy

29. Miscellaneous Provisions:

- Bubbles, glitter, birdseed, and rice are not permitted inside facilities. Confetti is allowed inside the facility. Birdseed and bubbles are allowed outside the facilities.
- Illegal drugs, gambling, vulgar language, or solicitation are prohibited.
- Weapons are prohibited, except those carried by law enforcement. Animals are not permitted in indoor facilities, except service animals or those approved by the City Manager or designee.
- Any game or activity prohibited by North Carolina, federal, or local law. All games require approval by the City Manager or designee; this includes "Casino Night" or "Bingo."
- No open candlewicks must be enclosed; votive or hurricane-type containers are recommended and approved by the City Manager or designee.
- Use of the facility for personal gain or moneymaking projects is prohibited.
- Attaching nails, hooks, tacks, tape, glue, sticky tack, or screws into any part of the facility is prohibited; this includes ceilings, walls, floors, doors, doorframes, and/or tables.
- Items left overnight are prohibited unless approved by the City Manager or designee.
- Outside food and drink are prohibited inside all gymnasiums and school sites per the City's agreement with Kannapolis City Schools. No outside concessions can be sold.
- Fireworks or other explosives are prohibited in the facilities and premises.
- Any agreement to use the facilities is not assignable to any other person or entity.

Any person or group violating any rules is subject to suspension from the facility and prosecution under the law, where appropriate, and forfeiture of their security deposit and assessment of associated fees. Flagrant misuse of facilities will result in the forfeiture of future reservations.