



**CITY COUNCIL
BUSINESS MEETING
REVISED AGENDA
KANNAPOLIS CITY HALL
401 LAUREATE WAY,
KANNAPOLIS NC
JANUARY 22, 2024 6:00 PM**

Please Turn off Cell Phones or Place on Silent Mode.

CALL TO ORDER AND WELCOME

MOMENT OF SILENT PRAYER AND PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA - Motion to Adopt Agenda or make revisions

PROCLAMATIONS

- A. February - Black History Month (Darrell Hinnant, Mayor)

RECOGNITIONS

- A. **NEW HIRE PINNING** - Promotional Pinning and New Hire Pinning (Tracy Winecoff, Fire Chief)
- B. **RECOGNITION** - Certified Operator of the Year Award - Gerald Faulkner (Alex Anderson, Director of Water Resources)

CONSENT AGENDA - Motion to Adopt Consent Agenda or make revisions

- A. **APPOINTMENT** - North Carolina State Firefighters Relief Fund. (Kirk Beard, Deputy Fire Chief)
- B. **BUDGET AMENDMENT** - Appropriating Powell Bill Funding to be used for Enhanced Street Paving Efforts. (Kristin Jones, Assistant to the City Manager)
- C. **BID AWARD** - Award Bid and Approve Budget Amendment for Electric Shuttle purchase with EECBG Grant Funds (Kristin Jones, Assistant to the City Manager)
- D. **RESOLUTION** - Authorizing the Upset Bid Process for the College Station Outparcels. (Irene Sacks, Director of Economic & Community Development, Walter Safrit, City Attorney)
- E. December 11, 2023 Business Meeting Minutes (Bridgette Bell, City Clerk)
- F. January 08, 2024 Work Session Minutes (Bridgette Bell, City Clerk)

BUSINESS AGENDA

- A. **PRESENTATION** - City Activity Update (Mike Legg, City Manager)
- B. **PRESENTATION** - Downtown Business Survey (Irene Sacks, Director of Economic & Community Development, Annette Privette Keller, Director of Communications, Mike Legg, City Manager)

CITY MANAGER REPORT

CITY COUNCIL COMMENTS

SPEAKERS FROM THE FLOOR

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.



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

“Black Heritage Month”

WHEREAS, February has been designated as “Black Heritage Month” in which we pause to reflect on the contributions of the African American community; and

WHEREAS, African American Month gives an opportunity to become more knowledgeable about black heritage, and to honor the many black leaders who have contributed to the progress of our nation. The theme for 2022 focuses on the importance of Black Health and Wellness. This theme acknowledges the legacy of not only Black scholars and medical practitioners in Western medicine, but also other ways of knowing (e.g., birth workers, doulas, midwives, naturopaths, herbalists, etc.) throughout the African Diaspora, and

WHEREAS, we join with all Americans in celebrating our diverse heritage and culture and continuing our efforts to protect democracy for all people and recognizing the vital achievements of our local African American residents.

NOW, THEREFORE, I, MILTON DARRELL HINNANT, Mayor of the City of Kannapolis, North Carolina by virtue of the authority vested in me as Mayor together with the Kannapolis City Council, call upon all citizens to observe and commemorate ***February as Black Heritage Month.***



IN WITNESS WHEREOF I have set my hand and caused the Great Seal of the City of Kannapolis to be affixed this 22ND January 2024.

Milton D. Hinnant



Kannapolis City Council

City Council Agenda Staff Report
January 22, 2024

To: Mayor and City Council
From: Tracy Winecoff, Fire Chief
Subject: **NEW HIRE PINNING** - Promotional Pinning and New Hire Pinning

Action Requested by City Council

Presentation Only

Required Votes to Pass Required Action

Presentation Only. No Action Required

Background

Firefighters to be recognized as follows:

1. TJ Cook is being pinned as Assistant Chief
2. Chris Morris is being pinned as Battalion Chief
3. Jeremi Carter is being pinned as Captain
4. Clay Sellers is being pinned as Captain
5. Corey Cox is being pinned as Engineer
6. Bubba McLaughlin is being pinned as Engineer
7. Brad Harrington is being pinned as Firefighter
8. Blake Thomas is being pinned as Firefighter

Fiscal Implications

Policy Issues

Legal Issues

Recommendations and Alternate Courses of Action

Attachments

None



Kannapolis City Council

City Council Agenda Staff Report
January 22, 2024

To: Mayor and City Council
From: Kirk Beard, Deputy Fire Chief
Subject: **APPOINTMENT** - North Carolina State Firefighters Relief Fund.

Action Requested by City Council

Approval

Required Votes to Pass Required Action

Majority Present at Meeting

Background

A Local Relief Fund Board (LRFB) consists of five members (GS 58-84-30): two members serving at the pleasure of the fire department elected by the membership who are qualified as beneficiaries of the fund; two of whom shall be elected or appointed by the Mayor, Board of Alderman, or City Council if it is a municipal department, or other local governing body to serve at their pleasure, or, if it is a non-municipal department, two appointed by the County Commissioners to serve at their pleasure; and one appointed by the Commissioner of Insurance.

We are submitting Rick Towell and Danny Scott to serve a two-year term beginning January 2024 with the approval of the City Council.

Fiscal Implications

None

Policy Issues

None

Legal Issues

In accordance with NCGS 58-84-30, Trustees appointed; organization

Recommendations and Alternate Courses of Action

1. **Motion to appoint Rick Rowell and Danny Scott to serve a two-year term beginning January 2024 (Recommended)**
2. Appoint someone of the Council's choosing.
3. Defer action to a future meeting.

Attachments

None



Kannapolis City Council

City Council Agenda Staff Report
January 22, 2024

To: Mayor and City Council
From: Kristin Jones, Assistant to the City Manager
Subject: **BUDGET AMENDMENT** - Appropriating Powell Bill Funding to be used for Enhanced Street Paving Efforts.

Action Requested by City Council

Approve budget amendment #24-31 which appropriates Powell Bill funding for enhanced street paving efforts.

Required Votes to Pass Required Action

Majority Present at Meeting

Background

This budget amendment budgets the additional allocation of Powell Bill funding received this fiscal year and past year's unspent reserve funding that will be used towards enhanced street paving efforts and contracted services moving forward. This will match the state report that the City submits every year.

Fiscal Implications

An appropriation of fund balance is required to account for the unspent reserves from past year's and also to account for the over collection in revenue received this fiscal year.

Policy Issues

None.

Legal Issues

None.

Recommendations and Alternate Courses of Action

1. Motion to approve budget amendment #24-31 which appropriates Powell Bill funding to be used towards enhanced street paving efforts (**Recommended**).
2. Do not approve the budget amendment.
3. Table to a future meeting.

Attachments

1. Powell Bill Funding

**ORDINANCE AMENDING BUDGET FOR THE
CITY OF KANNAPOLIS, NORTH CAROLINA
FOR THE FISCAL YEAR BEGINNING JULY 1, 2023
AND ENDING JUNE 30, 2024
Amendment # 24-31**

BE IT ORDAINED by the City Council of the City of Kannapolis, North Carolina meeting in open session this 22nd day of January 2024, that the following amendment to the Budget Ordinance for the City of Kannapolis, North Carolina for the Fiscal Year beginning July 1, 2023, and ending June 30, 2024, is hereby adopted:

Description: This budget amendment budgets the additional allocation of Powell Bill funding received this fiscal year and past year's unspent reserve funding that will be used towards enhanced street paving efforts and contracted services moving forward. This will match the state report that the City submits every year.

SECTION I– GENERAL FUND

Revenue:	Increase: Fund Balance Appropriation Revenue: 19900-39900	\$1,982,244
Revenue:	Increase: Powell Bill Funding Revenue: 13400-34100	\$211,756
Expenditure:	Increase: Contract Resurfacing Expenditure: 13400-48850	\$2,094,000
Expenditure:	Increase: Contracted Services Expenditure: 13400-48000	\$100,000

This ordinance is approved and adopted this 22nd day of January 2024.

Milton D. Hinnant, Mayor

ATTEST:

Bridgette Bell, MMC, NCCMC
City Clerk



Kannapolis City Council

City Council Agenda Staff Report
January 22, 2024

To: Mayor and City Council
From: Kristin Jones, Assistant to the City Manager
Subject: **BID AWARD** - Award Bid and Approve Budget Amendment for Electric Shuttle purchase with EECBG Grant Funds

Action Requested by City Council

Award Bid and Approve Budget Amendment for Electric Shuttle purchase with EECBG Grant Funds

Required Votes to Pass Required Action

Majority Present at Meeting

Background

The City of Kannapolis qualified for a \$113,050 EECBG (Energy Efficiency Community Block Grant) to be used for efforts in implementing strategies to improve energy efficiency and conservation. The City of Kannapolis submitted a proposal to spend the funds on the purchase of (2) electric shuttles. These shuttles would be ADA-accessible and used to transport citizens in the downtown area and throughout City parks and facilities. There is a strong need to transport citizens because of the limited handicap parking available, as well as to reduce the number of cars in the downtown area for lower emission standards, better air quality, traffic reduction, noise reduction and reduced maintenance and running costs.

Because this is a federal grant running through the Department of Energy and based on the bid thresholds, a formal bid was required.

Two bids came in on the shuttles:

VendorBase BidOptions Total (2 shuttles)

Moto Electric Vehicles \$146,710 Front/rear bumper: \$3,580

Driver cage fan: \$790

Bluetooth mic/headset (included) \$151,080

Specialty Vehicles \$119,850 Front/rear bumper: \$1,200

Driver cage fan: \$500

Bluetooth mic/headset: \$600

\$122,150

Since the grant is only eligible up to \$113,050- the remaining \$9,100 will come from savings in an operational line item within the City's overall General Fund.

Fiscal Implications

A budget amendment is needed to budget the grant funds and also the amount to fund the purchase of these 2 vehicles.

Policy Issues

None.

Legal Issues

None.

Recommendations and Alternate Courses of Action

1. **Motion to award bid and approve the budget amendment for the purchase of two electric vehicles with EECBG grant funds (Recommended)**
2. Do not approve bid or budget amendment.
3. Table to a future meeting.

Attachments

1. MEMO 24-20 CM memo - signed
2. EECBG funding

MEMORANDUM

DATE: 1/16/2024
TO: City Manager
FROM: Purchasing Manager
SUBJECT: In reference to the award of Electric Shuttles for Parks

The City of Kannapolis Parks Dept. advertised proposals for two (2) electric shuttles on Monday, January 8, 2024 (G.S. 143-129). Proposals were received on January 16, 2024, at 10:00 a.m.

The following bids were received:

<u>Vendor</u>	<u>Base Bid</u>	<u>Options:</u>	<u>Total (2 shuttles)</u>
Moto Electric Vehicles	\$146,710	Front/rear bumper \$3580 Driver cage fan \$790 Bluetooth mic/headset (included)	\$151,080.00
Specialty Vehicles	\$119,850	Front/rear bumper \$1200 Driver cage fan \$500 Bluetooth mic/headset \$600	\$122,150.00

The specifications were for a 23-passenger shuttle. Moto Electric bid a 15-passenger shuttle. The conclusion is to award the bid to Specialty Vehicles in the amount of \$122,150.00. The specifications were in accordance with the bid.

Approval: Michael B. Legg

MEMO 24-20 CM memo

Final Audit Report

2024-01-16

Created:	2024-01-16
By:	Renee Butler (rbutler@kannapolisnc.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAATt2RTxinml9vbf3ZXbZMaucyPISCi_FZ

"MEMO 24-20 CM memo" History

-  Document created by Renee Butler (rbutler@kannapolisnc.gov)
2024-01-16 - 5:33:26 PM GMT- IP address: 204.84.167.66
-  Document emailed to Mike Legg (mlegg@kannapolisnc.gov) for signature
2024-01-16 - 5:33:47 PM GMT
-  Email viewed by Mike Legg (mlegg@kannapolisnc.gov)
2024-01-16 - 6:03:47 PM GMT- IP address: 104.47.64.254
-  Document e-signed by Mike Legg (mlegg@kannapolisnc.gov)
Signature Date: 2024-01-16 - 6:04:30 PM GMT - Time Source: server- IP address: 204.84.167.66
-  Agreement completed.
2024-01-16 - 6:04:30 PM GMT

**ORDINANCE AMENDING BUDGET FOR THE
CITY OF KANNAPOLIS, NORTH CAROLINA
FOR THE FISCAL YEAR BEGINNING JULY 1, 2023
AND ENDING JUNE 30, 2024
Amendment # 24-32**

BE IT ORDAINED by the City Council of the City of Kannapolis, North Carolina meeting in open session this 22nd day of January 2024, that the following amendment to the Budget Ordinance for the City of Kannapolis, North Carolina for the Fiscal Year beginning July 1, 2023, and ending June 30, 2024, is hereby adopted:

Description: This budget amendment budgets the EECBG grant to be used for the purchase of (2) electric shuttles for downtown. The grant is for \$113,050 and the bid came in at \$122,150 which is \$9,100 short. The \$9,100 will be covered from savings in an operational line item in the Non-departmental budget.

SECTION I– GENERAL FUND

Revenue:	Increase: Federal Grants Revenue: 15010-33000	\$113,050
Expenditure:	Increase: Parks-Capital Machinery and Equipment Revenue: 15010-59500	\$122,150
Expenditure:	Decrease: Special Expenses Expenditure: 10000-51300	\$9,100
Expenditure:	Increase: Parks-Capital Machinery and Equipment Revenue: 15010-59500	\$9,100

This ordinance is approved and adopted this 22nd day of January 2024.

Milton D. Hinnant, Mayor

ATTEST:

Bridgette Bell, MMC, NCCMC
City Clerk



Kannapolis City Council

City Council Agenda Staff Report
January 22, 2024

To: Mayor and City Council

From: Irene Sacks, Director of Economic & Community Development, Walter Safrit, City Attorney

Subject: **RESOLUTION** - Authorizing the Upset Bid Process for the College Station Outparcels.

Action Requested by City Council

Motion to adopt Resolution Authorizing the Upset Bid Process for the College Station Outparcels and authorize the City Manager to execute the Letter of Intent and Access Agreement with the current bidder.

Required Votes to Pass Required Action

Majority Present at Meeting

Background

The City of Kannapolis owns the College Station Shopping Center on N. Cannon Blvd. The property includes three outparcels that have been listed for sale. The City has received an offer to purchase two of these outparcels facing Cannon Blvd, totaling about 1.2 acres. The use would be for a Zaxby's fast food restaurant. The bidding process will begin with advertising for a 10-day period where upset bids may be submitted. If there is an upset bid, the process continues until there is one final high bid. At that point City Council will consider at a future meeting the approval of the final bid (but is under no obligation to do so). If approved, staff will facilitate closing on the property. A summary of the upset bid process steps is attached.

A Letter of Intent and Access Agreement with the initial bidder is also attached to this staff report. Execution of these documents will allow for the real estate process to move forward with the current bidder simultaneously with the preceudal requirements for the upset bid process.

Fiscal Implications

The purchase offer is for \$475,000. The tax value for the property is \$321,480. The offer will need to go through the upset bid process before being finalized.

Policy Issues

None

Legal Issues

None

Recommendations and Alternate Courses of Action

1. Motion to adopt Resolution Authorizing the Upset Bid Process for the College Station Outparcels and authorize the City Manager to execute the Letter of Intent and Access Agreement with the current bidder **(Recommended)**
2. Table to a future meeting

3. Take no action. Note: This essentially would result in not selling the property at this time.

Attachments

1. Resolution Authorizing the Upset Bid Process (409 and 413 N. Cannon Blvd, Kannapolis, NC 28083)
2. Access Agreement (Zaxby's Due Diligence)
3. 409 _ 413 N Cannon Blvd - LOI
4. Zaxbys Bid Form
5. Upset Bid Process as permitted by NCGS 160A

**Resolution Authorizing the Upset Bid Process for
409 and 413 N. Cannon Blvd (p/o College Station)**

WHEREAS, the City of Kannapolis (“the City”) owns certain property being part of College Station at 409 and 413 N. Cannon Boulevard, Kannapolis, North Carolina 28083; and

WHEREAS, said property consists of approximately 1.2 acres and part of Tax Parcel 5624-00-9853 together with a 174’ x 41’ strip lying between the parcels; and

WHEREAS, North Carolina General Statute § 160A-269 permits the City to sell property by upset bid, after receipt of an offer for the property; and

WHEREAS, the City has received an offer to purchase the property described above, in the amount of \$475,000.00, submitted by Zaxby’s Operating Company L.P.

THEREFORE, THE CITY COUNCIL OF THE CITY OF KANNAPOLIS RESOLVES THAT:

1. The City Council authorizes sale of the property described above through the upset bid procedure of North Carolina General Statute § 160A-269.
2. Zaxby’s Operating Company L.P. has paid to the City the required five percent (5%) deposit on their offer in the amount of \$23,750.00 in a form acceptable to the City Attorney.
3. The City Clerk shall cause a notice of the proposed sale to be published. The notice shall describe the property and the amount of the offer and shall state the terms under which the offer may be upset.
4. Persons wishing to upset the offer that has been received shall submit a sealed bid with their offer to the office of the City Clerk within 10 days after the notice of sale is published. At the conclusion of the 10-day period, the City Clerk shall open the bids, if any, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.
5. If a qualifying higher bid is received, the City Clerk shall cause a new notice of upset bid to be published and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the City Council.
6. A qualifying higher bid shall be one that raises the existing offer by not less than ten percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of that offer.
7. A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid. The deposit may be made in cash, cashier’s check, or certified check. The City shall return the deposit on any bid not accepted and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The City will return the deposit of the final high bidder at closing.

8. The terms of the final sale are that: a) the City Council must approve the final high offer before the sale is closed, which it will consider within 30 days after the final upset bid period has passed, b) the buyer must pay with cash, certified check or acceptable electronic funds transfer at the time of closing, and c) buyer and the City may execute such other and further agreements as they deem appropriate.

9. The City reserves the right to withdraw the property from sale at any time before the final high bid is accepted and also reserves the right to reject at any time all bids.

10. If no qualifying upset bid is received after the initial public notice, the offer set forth above is hereby accepted. The appropriate City officials are authorized to execute additional documents as are necessary, appropriate or desired to this transaction including, but not limited to, documents necessary to convey the property to Zaxby's Operating Company L.P.

Adopted this 22nd day January, 2024.

Milton D. Hinnant
Mayor

Attest:

Bridgette Bell, MMC, NCCMC
City Clerk

ACCESS AGREEMENT

THIS ACCESS AGREEMENT (hereinafter referred to as this “**Agreement**”), is made as of _____, by and between _____, a _____ (“**Owner**”), and **ZAXBY’S PROPERTIES LLC**, a Delaware limited liability company (“**Zaxby’s**”).

WITNESSETH:

WHEREAS, Owner is the fee simple owner of a certain parcel or parcels of real property and the improvements thereon located at _____ (the “**Property**”); and

WHEREAS, Zaxby’s and Owner are in discussions regarding the acquisition of the Property by Zaxby’s (the “**Transaction**”) and Zaxby’s planned redevelopment of the Property; and

WHEREAS, Owner has agreed to grant Zaxby’s a license and right to enter upon the Property to conduct certain activities, subject to all of the terms and conditions of this Agreement;

NOW, THEREFORE, for and in consideration of the foregoing and other good and valuable consideration, the undersigned parties hereby agree as follows:

1. Grant of Access. Owner hereby grants to Zaxby’s, and to such party’s employees, agents, representatives and contractors (hereinafter collectively referred to as “**Zaxby’s Agents**”), a license and right to enter upon the Property for the following activities (collectively, the “**Investigations**”): to inspect and investigate the Property and perform soil, groundwater, and other tests thereon and review and evaluate any other matter relating to Tenant’s anticipated use of the Property and Zaxby’s planned improvements thereof, including, without limitation, the right to enter the Property to conduct inspections, soil tests, and surveys, including, without limitation, invasive testing, and a Phase II environmental site assessment (“**Phase II**”). Except as required by law, Tenant shall not disclose the results of the Phase II to Landlord or any third parties.

2. Notification. The Investigations shall be conducted only after Zaxby’s advises Owner that Zaxby’s or Zaxby’s Agents intend to enter the Property for the purpose of the Investigations. Such notice may be given via electronic mail to Owner’s representative, _____ (____@____). Zaxby’s agrees that in exercising its right of access hereunder, Zaxby’s and Zaxby’s Agents shall not unreasonably interfere with Owner’s or its tenants or occupants use, occupancy or enjoyment rights of the Property. A representative of Owner shall have the right, but not the obligation, to be present during the Investigations. Zaxby’s agrees to cooperate with any reasonable request by Owner in connection with the timing of any such Investigations.

3. Conduct of Investigations. This Agreement grants Zaxby’s a temporary and limited right to enter upon the Property to conduct the Investigations. The Investigations and all activities incidental to the Investigations shall be at Zaxby’s sole cost and expense. In conducting the Investigations, Zaxby’s and Zaxby’s Agents shall comply with all applicable federal, state, and local laws, rules, regulations, orders, ordinances and other governmental proclamations (the “**Applicable Laws**”). Zaxby’s shall keep the Property free from any and all liens arising out of any work performed, materials furnished or obligations incurred by or on behalf of Zaxby’s or Zaxby’s Agents with respect to any Investigations of the Property or any entry onto the Property. If any such lien shall at any time be filed, Zaxby’s shall cause the same to be discharged of record, in a manner satisfactory to Owner, within ten (10) business days after delivery of written notice from Owner.

4. Indemnification and Insurance. Zaxby's shall, and does hereby agree to indemnify, defend and hold Owner, its officers, directors, employees, agents, and their respective successors and assigns harmless from and against any and all claims, demands, suits, obligations, damages, liabilities, costs and expenses (including but not limited to reasonable attorneys' fees) resulting from Zaxby's or Zaxby's Agents' actions taken in, on or about the Property in conducting the Investigations; provided, however, that Zaxby's indemnification obligation does not apply to (i) any condition that existed at the Property prior to the date of testing or (ii) the discovery of, or the non-negligent accidental or inadvertent release of, any hazardous, toxic, or regulated substance, material, or waste resulting from the Investigations (unless such hazardous materials, etc., are brought onto the Property by Zaxby's during the Investigations). Prior to any entry onto the Property by Zaxby's or Zaxby's Agents, Zaxby's or Zaxby's Agents accessing the Property shall provide Owner with a certificate of commercial general liability insurance with a limits of at least One Million Dollars (\$1,000,000.00) per occurrence and Two Million Dollars (\$2,000,000.00) in the aggregate, which certificate of insurance shall name Owner as an additional insured.

5. Restoration of Property. Zaxby's shall, at its sole cost and expense, and in accordance with Applicable Laws, promptly repair any physical damage or alteration of the physical condition of the Property to the extent such damage or alteration result from any Investigations conducted on or about the Property by Zaxby's and/or Zaxby's Agents, and restore the Property to substantially the condition existing prior to Zaxby's and/or Zaxby's Agents performance of the Investigations at the Property. Such restoration shall be performed upon the earlier of thirty (30) days after the date on which Owner and Zaxby's have terminated negotiations and pursuit of the Transaction. Owner acknowledges and agrees that the Property will be redeveloped in the event the Transaction is consummated, and in such case, Zaxby's shall have no obligation to restore the Property as provided herein.

6. Entire Agreement. No representations or covenants of any kind other than those expressly contained herein have been made by either party hereto. This Agreement may only be modified or amended by an agreement in writing duly executed and delivered by each of the parties hereto. This Agreement supersedes any provisions of any letter of intent between the parties.

7. Assignment. The terms of this Agreement shall inure to the benefit of Zaxby's and Owner and their respective successors and assigns. This Agreement shall not be assigned by Zaxby's without the consent of the other party, and any attempted assignment shall be void.

8. Termination. This Agreement shall terminate upon the earlier of (a) the date which is one hundred twenty (120) days after the date first written above, (b) consummation of the Transaction by Zaxby's and Owner; and (c) upon termination of negotiations and pursuit of the Transaction with respect to the Property; provided, however, the indemnification in Section 4 of this Agreement and the obligations of Section 5 and Section 11 of this Agreement shall survive the termination of this Agreement for a period of six (6) months, unless the Transaction is consummated, in which case the applicable terms of the documents effectuating the Transaction shall control.

9. Miscellaneous. If any term, covenant or condition of this Agreement or the application thereof to any person, entity or circumstances shall to any extent be deemed invalid or unenforceable under applicable law, then the remainder hereof and the application of such term, covenant, or condition to persons or circumstances other than those to which it is held invalid or unenforceable shall not be affected thereby and the application of such term, covenant, or condition to the persons or circumstances other than those to which it is held invalid or unenforceable shall not be affected thereby. It is understood and agreed that neither party shall be required to continue to negotiation or enter into the Transaction, nor shall this Agreement be deemed to grant Zaxby's any rights in or to the Property whatsoever, other than the limited rights of entry and to perform the Investigations herein expressly set forth.

10. Governing Law. This Agreement shall be governed by the laws of the State where the Property is located. In the event of any litigation hereunder the prevailing party shall be entitled to recover its attorney's fees and court costs.

11. Confidentiality. Zaxby's agrees that the results of all Investigations related to the Property prepared by or for Zaxby's utilizing any information acquired in whole or in part through the exercise of Zaxby's inspection rights (the "Proprietary Information") is confidential and shall not be disclosed to any other party except as may be required of Zaxby's by law or to those that may assist, advise, invest or lend to Zaxby's in connection with the transaction contemplated hereby and the Lease, and then only upon Zaxby's making such party aware of the confidentiality restriction and procuring such party's agreement to be bound thereby. In the event that Zaxby's is required by law to disclose any Proprietary Information, Zaxby's shall notify Owner at least two (2) business days prior to delivering such Proprietary Information. Proprietary Information shall not include information that is a matter of public record or was generally known or available to the general public or was known by Zaxby's prior to the date of this Agreement. Zaxby's agrees not to use or allow to be used any such Proprietary Information for any purpose other than to determine whether to proceed with the demolition of the Property and the contemplated Lease. Except as required by any applicable law, neither Zaxby's nor Zaxby's Agents shall communicate with any regulatory agencies or their individual employees concerning the results of the Investigations without the prior written consent of Owner, which shall be given or withheld in Owner's sole discretion. Zaxby's shall not contact any tenant or occupant of the Property. Zaxby's shall also promptly notify Owner in writing of requests for confidential information from any third party or regulatory agency.

12. Notice. All notices and other communications given pursuant to this Agreement shall be in writing and shall be (a) mailed by first class, United States mail, postage prepaid, certified, with return receipt requested, and addressed to the parties hereto at the address listed below, (b) hand delivered to the intended addressee, (c) sent by nationally recognized overnight courier, or (d) sent by electronic mail transmission followed by a confirmatory letter. Notice sent by certified mail, postage prepaid, shall be effective three (3) business days after being deposited in the United States mail; all other notices shall be effective upon delivery to the address of the addressee (even if such addressee refuses delivery thereof). Notwithstanding any provision to the contrary in this section, Zaxby's may provide notice of Zaxby's and Zaxby's Agents entry upon the Property to conduct the Investigations by electronic notice to Owner's representative as provided in Section 2 above. The parties hereto may change their addresses by giving notice thereof to the other in conformity with this provision:

If to Owner:

Attn: _____

Email: _____

If to Zaxby's:

Zaxby's Properties, LLC
1040 Founder's Boulevard
Athens, GA 30606
Attention: Chief Development Officer
E-mail: MMettler@zaxbys.com

with a copy to:

Zaxby's Properties, LLC
1040 Founder's Boulevard
Athens, GA 30606

Attention: General Counsel
E-mail: BTrickey@zaxbys.com

13. Counterparts/Electronic Delivery. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, and all of such counterparts shall constitute one agreement. To facilitate execution of this Agreement, the parties may execute this Agreement electronically (e.g., by “DocuSign” or similar technology) and exchange electronic counterparts of the signature pages and such electronic counterparts shall serve as originals. No party hereto will raise the use of an electronic signature or electronic transmission to deliver a signature or the fact that any signature (electronic or otherwise) was transmitted or communicated through the use of electronic transmission as a defense to the formation or enforceability of a contract and each such party forever waives any such defense.

[SIGNATURES COMMENCE ON NEXT PAGE]

IN WITNESS WHEREOF, Owner and Zaxby's have caused this Agreement to be executed by their duly authorized representative as of the date first written above.

OWNER:

_____,
a _____

By: _____
Name: _____
Title: _____

Zaxby's:

ZAXBY'S PROPERTIES LLC, a Delaware limited
liability company

By: _____
Name: _____
Title: _____

RE: 409 & 413 North Cannon Blvd, Kannapolis NC 28083

This non-binding letter (“**Letter**”) confirms our proposal to purchase between Seller and Purchaser (defined below) regarding the proposed terms of a contract to purchase the property located in Cabarrus County at the address referenced above. This Letter is subject to the execution of a definitive contract between the parties and is for discussion purposes only for use in drafting a definitive contract. The parties agree that Purchaser will prepare the first draft of the contract using Purchaser’s standard form of contract. The parties further understand that the discussions and negotiations that arise from or result from the subject matter of this Letter may not culminate in an enforceable contract between the parties. The following is a summary of certain proposed terms and conditions of the proposed transaction:

1. Purchaser: Zaxby’s Operating Company L.P.

2. Seller: City of Kannapolis
Attn: Michael B. Legg, City Manager

Address: 401 Laureate Way, Kannapolis, NC 28081
Phone Number: 704-920-4309 E-
Mail: Please Provide mlegg@kannapolisnc.gov
Seller’s Federal Tax ID #: 56-1452469

With Copy To:
Walter M. Safrit, City Attorney
wsafrit@kannapolisnc.gov
704-920-4370

This address will serve as Seller’s notice address in the contract.

During this transaction, Seller will be represented by:

Name: Wayne Starnes
Firm Name: Premier Real Estate Team, Inc.
Address: 210 Oak Ave. Kannapolis NC 28081

Phone Number: 980-888-1030
E-Mail: waynestarnescre@gmail.com

3. Premises: Approximately +/- 1.20 AC (52,272 SF) outlined/described on Exhibit A

The execution of a definitive contract between the parties is conditioned upon Purchaser’s receipt of a satisfactory legal description.

Seller shall provide Purchaser a copy of all declarations, covenants, restrictions and easements affecting the Center. Seller acknowledges that Purchaser may require Seller to obtain, at no additional cost to Purchaser, certain amendments of, and/or approvals under, such documents in connection with Purchaser’s intended development and use of the Premises.

4. Easements: Cross Access with the shopping center for vehicular and pedestrian traffic.

5. Purchase Price: \$475,000 for approximately +/- 1.20 ACs

6. Earnest Money: Purchaser to submit deposit in accordance with bid deposit form in the amount of 5% of offer (\$23,750)

7. Contingencies: Any definitive contract that may be entered into as a result of this

Letter will be conditioned upon Purchaser's review of typical due diligence matters and ability to obtain all necessary permits and approvals within 150 days after the full-execution of the contract (Contingency Period). Such contingencies will include, but not be limited to, Purchaser obtaining all necessary entitlements and permits, satisfactory title/survey, satisfactory environmental condition, satisfactory geotechnical condition, and acceptable impact studies on existing Zaxby's restaurants.

8. Environmental: Seller will deliver to Purchaser any written Phase I / Phase II

Environmental Assessment of the Premises. Seller will not be held liable for any environmental remediation in the event, remediation is required.

9. Plans: Seller will only provide plans that they already have and will not be responsible for purchasing additional plans.

10. Common Area Maintenance Expenses: CAM will equal to \$1.00 per square foot of the proposed building, with max escalation of 3% per year.

11. Right to Enter: Seller grants to Purchaser, its agents, and contractors the right to enter upon the Premises to conduct inspections, soil tests, and surveys. Seller shall execute the attached License Agreement to grant this right.

12. Possession: Seller will deliver sole and actual possession of the Premises free and clear of all tenancies and parties in possession at closing.

13. Real Estate Taxes: All current real estate taxes will be prorated as of the date of closing; and if the amount of the current taxes is not then ascertainable, the prorating will be done on the basis of 110% of the most recent ascertainable taxes.

14. Costs: Seller will pay any transfer or conveyance taxes.

Purchaser will pay costs of recording documents.

The cost of the escrow will be divided equally between Seller and Purchaser.

15. Signage: N/A

16. Broker Commission: Name of Broker(s): MECA Commercial Real Estate

Seller agrees to pay a commission to the Buyer Broker, MECA Commercial Real Estate, in the amount of 3.00% of the total purchase price. Any additional Buyer Brokerage Fee shall be the sole responsibility of the purchaser.

17. Additional Conditions: This Letter and the proposed agreements contemplated in this Letter is subject to physical visit by all appropriate Zaxby's personnel and the

approval of Purchaser's Real Estate Committee, which approval must be obtained prior to the execution of any definitive agreement, understanding or enforceable contract between the parties.

18. Expiration of this Letter: This Letter will expire within 120 days from the date this Letter is approved by Seller, unless extended by both parties in writing ("**LOI Term**"). If a definitive contract is not executed prior to the expiration of the LOI Term, the parties have no further obligation to continue discussions or negotiations.

19. Scope of this Letter/Non-Binding Effect: The parties agree and understand that this Letter is intended to be, and will be construed only as, an understanding, summarizing and evidencing the discussions between the parties through the date listed on the first page of this Letter, and the rights and obligations of the parties remain to be defined in a definitive contract. **Except with regard to this Section 21**, the parties will be bound only by the terms of a definitive contract which has been fully executed and delivered by the parties. As such, **except with regard to this Section 21**, this Letter does not constitute and will not be construed to constitute a binding agreement, nor does it constitute a binding agreement to enter into an agreement, or an "agreement to agree." Furthermore, the parties understand that even if a party changes its financial position, condition or otherwise relies on the subject matter or the proposed terms and conditions contained in this Letter, any such reliance or change in position or condition will not be construed as the creation of an enforceable contract between the parties or an intention to be bound to the terms of this Letter. The parties understand and agree that this Letter does not address all of the material terms and conditions, and that this Letter is contingent upon further negotiations and subject to the execution of a definitive contract embodying the terms and conditions contained in this Letter and other material terms which are either consistent with the terms contained in this Letter or otherwise mutually acceptable to the parties. Notwithstanding anything to the contrary in this Letter, no oral statements or representations made by any agent of Zaxby's prior to, or during the term of this Letter, will be construed as alteration or modification of the non-binding intentions of this Letter.

20. Property subject to the upset bid process as outlined in the "Upset Bid Process as permitted by NCGS 160A-269".

We look forward to finalizing this transaction. If you have any questions, please contact our broker representation, Ross Robison, at (910) 297-5551 or via e-mail at rrobison@mecacommercial.com.

Sincerely,

Zaxby's Operating Company L.P.

Mary Meyer

Real Estate Director

Approved this _____ day of _____, 2023.

SELLER: City of Kannapolis

By: _____

Michael B. Legg (Print Name)

City Manager (Title)

Exhibit A



This letter is an offer to purchase the above two parcels, including the existing easement between each, outlined in red above. The two parcels have an address of 409 North Cannon Blvd (PIN: 56240098530000) and 413 North Cannon Blvd (PIN: 56240190510000). The total acreage is approximately +/- 1.20 AC (52,272 SF).

#7: After "Small local businesses without a drive thru with chicken as a secondary menu item are no restricted.", please add: "

#21: To the end of the sentence "As such, except with regard to this Section 21, this Letter does not constitute and will not be construed to constitute a binding agreement, nor does it constitute a binding agreement to enter into an agreement, or an "agreement to agree"", add ""

STATE OF NORTH CAROLINA

CITY OF KANNAPOLIS

**BID FOR
ACQUISITION OF
REAL PROPERTY**

THIS BID FOR ACQUISITION OF REAL PROPERTY is made and offered by Zaxby's Operating Company L.P. (hereinafter referred to as "Bidder") to the City of Kannapolis (hereinafter referred to as "City") pursuant to North Carolina General Statutes 160A-269.

WITNESSETH:

NOW THEREFORE, pursuant to the above stated statute and upon the premises contained herein the undersigned parties acknowledge the following:

- (1) City desires to sell the following described real property (the "Property"):

409 and 413 N. Cannon Blvd, Kannapolis, NC 28083 more specifically described as follows: as Cabarrus County Property Identification Number 56240098530000 and 56240190510000, recorded in Cabarrus County Deed Book 12670, Page 266, together with the fee simple title to the approximate 174' x 41' strip lying between the parcels.
- (2) Sale of the Property shall follow the upset bid procedure set forth in North Carolina General Statutes §160A-269.
- (3) Bidder hereby tenders an offer for the purchase of the Property (the "Bid") in the amount of \$475,000.00.
- (4) Simultaneously with the execution and delivery of this document, a bid deposit (the "Bid Deposit") in the amount of \$23,750.00 representing 5% of the Bid shall be presented to the City Clerk. The Bid Deposit shall be credited against the Bid in the event the Bid is successful and acquisition of the Property is consummated. The Bid Deposit shall be returned to Bidder in the event the Bid is (i) rejected by City, (ii) an upset bid is submitted pursuant to statutory procedure, (iii) upon request of Bidder less the reasonable and actual costs of the bid procedure incurred by City, or (iv) upon such other terms and conditions as the Bidder and City may agree in other documents, if any, ancillary to the bid process (e.g., Contract of Sale).
- (5) In the event Bidder is the final successful bidder, Bidder and City agree to negotiate and execute such other and further documents as are reasonable, necessary and appropriate to consummate the conveyance of the Property to Bidder, including but not limited to, a Contract of Sale to be negotiated, which shall include at least the following conditions:

- (a) That Bidder shall have a due diligence inspection period of no less than [See Attached LOI] days from and after notification (the "Notification Date") of its successful bid during which the Bid Deposit shall be refunded to Bidder upon Bidder's request and in Bidder's sole and exclusive discretion for any reason.
 - (b) That conveyance of the Property shall be made by Special Warranty Deed.
 - (c) That Closing shall be held within [See Attached LOI] days from and after the Notification Date with three days advance notice of the Closing date to City. In no case shall the Closing be held later than [See Attached LOI].
 - (d) Such other terms, provisions and conditions to which the undersigned parties may agree.
 - (e) The Property will be conveyed subject to Use Restrictions substantially similar to those contained in Deed Book 13983 at page 302, Cabarrus County Registry, unless otherwise agreed by City.
 - (f) Easements providing necessary access to the property will be negotiated.
- (6) Other Conditions of the Bid (attach sheet if necessary): [See Attached LOI]

IN WITNESS WHEREOF, this document is executed by Bidder the day and year first above written.

BIDDER
(Signature)

By: Michael Mettler

By: _____

By: _____

For: _____
(if business or corporate purchase)

Date: _____

Accepted this the ____ day of _____, 20__.

CITY

By: _____

Michael B. Legg
City Manager

Upset Bid Process as permitted by NCGS 160A-269

1. The process starts when a formal offer is received to purchase a tract of City owned real property. Five (5) percent of the offer is provided to the City at the beginning of the process.
2. If City Council agrees to sell the property it will pass a resolution which authorizes the City Manager to begin the process.
3. The City will advertise the original offer and provide for a 10-day window for persons (or entities) to submit a sealed “upset bid” that raises the value of the original offer. The statute requires that the upset bid must be “one that raises the existing offer by not less than ten percent (10%) of the first \$1,000 of the (current) offer and five percent (5%) of the remainder of the (current) offer.” The upset bid(s) are opened by the City Clerk at 5:00 pm on the final day of the 10-day window.
4. If such a valid upset bid is received, the process starts over with another advertisement and sealed bid submittal, and so forth until there is only one bid that stands. In each case, the standing deposit is returned, and a new deposit is received by the City for the new bid. If there are multiple upset bids, the higher one becomes the new bid amount.
5. After all bidding has stopped and the final bid is received, the City Council will pass a resolution recognizing the final bid and authorizing the City Manager and City Attorney to execute the closing documents. A due diligence period to perform soil studies, environmental reviews, etc. may be requested and that will be addressed in the final resolution. Other negotiations regarding deed restrictions or other protections for the City will be addressed at this time as well. Closing on the property will occur within a predetermined amount of time from the notification by the City to the person (or entity) submitting the final bid.



Kannapolis City Council

City Council Agenda Staff Report
January 22, 2024

To: Mayor and City Council
From: Bridgette Bell, City Clerk
Subject: December 11, 2023 Business Meeting Minutes

Action Requested by City Council

Required Votes to Pass Required Action

Background

Fiscal Implications

Policy Issues

Legal Issues

Recommendations and Alternate Courses of Action

Attachments

1. 12-11-2023 Business

**CITY OF KANNAPOLIS
CITY COUNCIL MEETING
BUSINESS MEETING MINUTES
December 11, 2023**

A regular business meeting of the City Council of the City of Kannapolis was held on Monday, December 11, 2023, at 6:00 PM at the Kannapolis City Hall located at 401 Laureate Way, Kannapolis, NC.

CITY COUNCIL MEMBERS PRESENT:

Mayor: Milton D. Hinnant

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

Council Members Absent: None

City Manager: Mike Legg

Deputy City Manager: Eddie Smith

Assistant to the City Manager: Kristin Jones

Assistant City Manager: Wilmer Melton

Assistant City Manager: Tina Cline

City Clerk: Bridgette Bell

City Attorney: Walter M. Safrit

Staff Present:	Michael Rattler	Annette Privette Keller
	Tony Eury	David Jordan
	Terry Spry	Tracy Winecoff
	Kirk Beard	Irene Sacks
	Greg Summitt	Michael Rattler

Others Present:	Brianna Harris	Albaro Reyes-Martinez
	Bob Doty	Cathy Wilson
	Ed Hosack	Holden Sides
	Joe Hatley	Milton Smith
	Paisley Overcash	Jayne Williams
	Abiezer Mercado	Natasha Lipscomb

L. Nelson	Madison Scarborough
Bea Oneil	Paul Oneil
Victoria Little	Lavonda Jackson
Mark Novosad	Jennifer Clarke
Severity Yancy	Josephine Gorhan
Natalie Camilli	C. Frank
Edison McCrea	Autry Dawsey, Jr.
Mark Spitzer	Judge Martin McGee
Jim Rutledge	Nancy Rutledge
Thomas Richardson	Jamie Richardson
Grayson Burgess	Samantha Griffin
Betsy Liles	

CALL TO ORDER AND WELCOME:

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

ADOPTION OF AGENDA - Motion to Adopt Agenda or make revisions

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

ADMINISTRATION - Oath of Office Newly Elected Council Members (Superior Court Judge Martin McGee)

Superior Court Judge McGee administered the Oath of Office to newly elected Council Members Ryan Dayvault and Darrell Jackson.

ELECTION - Mayor Pro Tempore (Mayor Darrell Hinnant)

Mayor Hinnant opened the floor for nominations for Mayor Pro tem. Council Member Dayvault nominated Doug Wilson. Motion was seconded by Council Member Berry. There being no other nominations for Mayor Pro tem, Mayor Hinnant closed the floor. Doug Wilson was declared Mayor Pro tem.

ADMINISTRATION - Oath of Office Mayor Pro Tempore (Superior Court Judge Martin McGee)

Superior Court Judge McGee administered the Oath of Office to Doug Wilson.

RECOGNITIONS:

Chief Spry introduced six of the Police Department's newest officers and was ceremonially sworn into office by Mrs. Bell, City Clerk. Officers Isaac Heggins II, Anthony Irving Jr.,

1 Jody Kerr and Mackenzie Rogers recently completed Basic Law Enforcement Training.
2 Officers Jamie Hyatt and Brandon Lowery have joined our department from other law
3 enforcement agencies to continue their law enforcement careers.
4

5 **CONSENT AGENDA – Motion to approve Consent Agenda or make revisions**

6 Council Member Jackson made a motion to approve the Consent Agenda. Motion was seconded
7 by Mayor Pro tem Wilson and approved by unanimous vote.
8

9 Resolution- Approve a meeting schedule for the year 2024 Council meetings. (Bridgette Bell, City
10 Clerk) (Copy included as Exhibit A)
11

12 Agreement and Budget Amendment - Authorize the City Manager to execute the Building
13 Integrated Communities Agreement between the City, UNC and the Camino Community
14 Development Corporation and approve a Budget Amendment #24-18 appropriating related grant
15 funding (Mike Legg, City Manager, Irene Sacks, Director of Economic & Community
16 Development, Kristin Jones, Assistant to the City Manager) (Copy included as Exhibit B)
17

18 November 27, 2023, Business Meeting Minutes (Bridgette Bell, City Clerk)
19

20 November 27, 2023, Closed Session Minutes (Bridgette Bell, City Clerk)
21

22 **BUSINESS AGENDA:**

23 **Resolution Confirming the resignation of Councilmember Tom Kincaid (Mike Legg, City**
24 **Manager) (Copy included as Exhibit C)**

25 Mr. Legg explained that Councilmember Kincaid's resignation is directly related to the
26 planned sale of Caremoor Retirement Community - which he co-owns with his wife Teresa
27 - to Cooperative Christian Ministry (CCM) for the purpose of it being transformed into a
28 transitional housing facility over the course of the next five years. Transitional housing
29 with comprehensive funding has been a long-term City Council goal. After reviewing all
30 reasonable approaches to addressing this potential conflict of interest, it was determined
31 that Councilmember Kincaid's resignation was the most appropriate and transparent way to
32 avoid any appearance of a potential conflict of interest as it related to the CCM grant and
33 CCM's corresponding acquisition of the property owned by Councilmember Kincaid and
34 his wife Teresa. Notwithstanding the conclusion regarding the resignation, Councilmember
35 Kincaid recused himself and did not participate in any City Council discussion of the CCM
36 grant proposal. A copy of the resignation letter is attached.
37

38 Council Member Dixon made a motion to approve a Resolution confirming the resignation
39 of Council Member Tom Kincaid. Motion was seconded by Council Member Dayvault and
40 approved by unanimous vote.

1 **Resolution authorizing the City Manager to execute a Grant Agreement with**
2 **Cooperative Christian Ministry to support its Acquisition of a Transitional Housing**
3 **Facility and approval of the corresponding Budget Amendment - (Mike Legg, City**
4 **Manager, Walter Safrit, City Attorney, Irene Sacks, Director of Economic &**
5 **Community Development) (Copy included as Exhibit D)**

6 Mr. Legg reviewed the details of the agreement as outlined in attached Exhibit D that details the
7 requirements supporting a funding grant to be awarded to Cooperative Christian Ministry ("CCM")
8 to support an expansion of its transitional housing program. CCM has informed the City of its
9 intention to acquire all, or a portion of, the property known as the Caremoor Retirement
10 Community. The property consists of 5.36 acres and 4 buildings (24,530 sf) located at 4876
11 Caremoor Place on Kannapolis Parkway in Kannapolis. The purpose of the Agreement is
12 to establish the conditions relating to grant funding to CCM from the City in the event the
13 Caremoor Property is acquired, in whole or in part, with the grant funding. The purpose of
14 the purchase is for the long-term operation of a transitional housing facility to house
15 Cabarrus County and Kannapolis individuals, families, and senior citizens in housing crisis
16 or at risk of becoming homeless, with a supportive program to educate, stabilize and
17 empower the household to achieve personal goals and housing stability. CCM's transitional
18 housing program is a structured program with case management and supportive services to
19 stabilize the household and have them working toward program graduation and leaving for
20 permanent housing within a target of three (3) years.

21
22 Mr. Ed Hosack, CEO of Cooperative Christian Ministries provided a slide presentation
23 including renderings of the Rebuilders Campus at Brown Mill Commons, the Caremoor
24 Retirement Community with 30 Assisted living beds: Carriage House Family Care Home
25 of 6 beds, Carriage House Family Care Apartments 6 beds and LaMoor Independent Living
26 Apartments 6 beds for a total of 48 beds. Grance Place @ Caremoor will be a Senior Care
27 or Assisted Living including 22-25 beds and families with children 40-50 beds. The
28 Rebuilders Campus Grace Place, Phase One Cost \$13.5 Million with Grace Place \$5.5
29 million for a total of \$19 million. Mr. Hosack said the pledged or received amount of
30 monies to date is \$9 million.

31
32 There being no questions or comments, Mayor Hinnant thanked Mr. Hosack.

33
34 Council Member Jackson made a motion to approve a Resolution authorizing the City
35 Manager to execute a Grant Agreement with Cooperative Christian Ministry to support its
36 Acquisition of a Transitional Housing Facility. Motion was seconded by Council Member
37 Dixon. The motion was approved by a 6-1 vote with Mrs. Berry voting no.

1 **BUDGET AMENDMENT**

2 Council Member Dayvault made a motion to approve a budget amendment to fund the
3 City's contribution to Cooperative Christian Ministry. Motion was seconded by Mayor Pro
4 tem Wilson. The motion was approved by a 6-1 vote with Mrs. Berry voting no.

5
6 **Appoint Representatives to the Transportation Advisory Committee (TAC) and the**
7 **Technical Coordinating Committee (TCC) of the Cabarrus-Rowan Urban Metropolitan**
8 **Planning Organization for the year 2024 (Mike Legg, City Manager)**

9 Council Member Jackson made a motion to appoint Ryan Dayvault as representative and Doug
10 Wilson as alternate to the TAC. Motion was seconded by Council Member Dixon and approved by
11 unanimous vote. Mayor Pro tem Wilson made a motion to appoint Richard Smith as representative
12 and Scott Kaufhold as alternate to the TCC. Motion was seconded by Council Member Dayvault
13 and approved by unanimous vote.

14
15 **Appoint Representatives to the Concord-Kannapolis Transit Commission (CKTC) (Mike**
16 **Legg, City Manager)**

17 Mayor Pro tem Wilson made a motion to appoint Dianne Berry and Darrell Jackson to the CKTC.
18 Motion was seconded by Council Member Dixon and approved by unanimous vote.

19
20 **Appoint Representatives to the Centralina Council of Governments (Mike Legg, City**
21 **Manager)**

22 Council Member Dayvault made a motion to appoint Mayor Hinnant and Jeanne Dixon to serve as
23 representatives on the CCOG. Motion was seconded by Mayor Pro tem Wilson and approved by
24 unanimous vote.

25
26 **CITY MANAGER COMMENTS:** None

27
28 **CITY COUNCIL COMMENTS:**

29 Council Member Dayvault congratulated Mr. Mills and his Team on the success of the Kannapolis
30 Christmas parade as it was well attended. He suggested that the two pedestrian markers in front of
31 the brewery on West Avenue be removed. One citizen complained there was not enough lighting,
32 said Mayor Hinnant.

33
34 Mayor Pro tem Wilson suggested that key departments make a monthly report to Council and give
35 an overview of their department.

36
37 City Manager Legg noted that oddly enough, the City just had their first Zoom call with all
38 employees to brainstorm how we can communicate effectively, and this was one of the things that
39 came up was during work sessions.

1 Mayor Hinnant stated this is one of the toughest decisions he has ever made. To Ed Hosack and his
2 Board and Staff, he is pleased that CCM has decided to pursue a bold new initiative. He read the
3 letter that Mr. Hosack sent out and are committed to the goals that was shared. He is happy that the
4 City of Kannapolis was able to make a large contribution to the campaign and hopes that the \$3M
5 is a substantial boost to the initiatives that was outlined. Now is the time to plan for the future and
6 he asked that CCM move quickly on this project. Mayor Hinnant shared some of the difficulties
7 that became apparent in the efforts that City Council to make this commitment happen.
8

9 All must wonder why Mr. Kincaid was sworn in and moments later resigns. There must be answers
10 and real transparencies in what has occurred, and the public has the right to know. Not all this
11 process was necessary and could have been prevented. The process took far too long. Council has
12 struggled for more than two years to get this commitment. Most recognize Council's role was
13 funding and opportunity, not operating a facility. Most recently Council decided they wanted to
14 support a homeless facility in Kannapolis that focused on kids and families but did not have a
15 solution. The CCM solution came about as a separate and distinct effort in which Council played
16 no role. Tom and Teresa Kincaid decided to retire and sell their Caremoor Facility. Tom and Teresa
17 approached CCM with the idea of selling their facility for a homeless transitional housing facility.
18 Council was not a participant in their efforts to work with CCM. At some point, Ed and or Tom
19 made Mr. Legg aware that they may be making a deal. From that point, on every occasion that
20 Council talked about working with CCM, to offer funding for a transitional housing facility, Tom
21 recused himself from those discussions. If you have noticed, Tom has not been participating in
22 several recent Council meetings. From his prospective, Tom and Teresa Kincaid are heroes. He
23 guessed that they could have sold their property in the commercial market for a higher price but
24 was committed to do this to meet the needs of our community. At his point, he has not been told
25 exactly what the deal is between CCM, Tom and Teresa. It is not his business, not the business of
26 this Council. He does know that CCM has asked Council to donate \$3M to help with the facility.
27

28 At the last Council meeting that Tom Kincaid attended, there was a discussion about this
29 opportunity, but Tom recused himself. Mr. Legg and Mr. Safrin gave recommendations to Council.
30 The question arose about Council's involvement and if it would be unethical or illegal. Mr. Safrin
31 shared with Council, that he had three legal opinions stating that the City's donation to CCM and
32 CCM's purchase of Caremoor was neither, unethical nor illegal. After another hour of discussion
33 of the donation, only one member of Council expressed concerns. In less than 24 hours after the
34 meeting, the group met separately with Mr. Legg and said they have changed their minds and would
35 not vote to move the donations to CCM unless Tom Kincaid resigned from Council. Mr. Legg
36 relayed to Council that the group's justification that Tom must resign was that "the public might
37 question the donation" and think that "Council did something wrong". As time went on the next
38 few weeks, the Council's position hardened, they not only demand that Tom resign but the group
39 said they would not vote to move the money unless Tom signed a document saying he would not
40 come back to Council. Resignations occur over all the state from elected officers from many
41 reasons, all that his needed is for the person to send a resignation and nothing more is required, but

1 the group wanted more. Here lies the problem, if Tom resigns, (which he has now), there would
2 not be any assurance's that the group would move the money. In fact, one member of Council that
3 they would vote to accept Tom's resignation but would not vote to move the money. If there is any
4 chance for CCM to get the money, then the other three Council members were being held hostage.
5 The other three Council members were and are still opposed to Tom Kincaid's resignation, ever
6 though we voted tonight to accept his resignation. We could not voice our opposition for fear that
7 Tom would resign, and the money not moved. Hours and hours were spent trying to solve that
8 problem. All the efforts occurred just prior to the election scheduled for November 7. It was
9 originally suggested that Council support the reelection of the incumbents because Council had so
10 many important things to accomplish. Rumors became to swirl just prior to the election that some
11 of the Council Members may have changed their mind and might not be supportive the incumbents,
12 but maybe friends. Rumors swirled on election day that Tom Kincaid's resignation was going to
13 happen. How would anyone know about Tom's resignation. As things evolved and became more
14 speculative that this process was more than the donation to CCM, instead of ethical or legal
15 questions, it appeared that it had become a political decision. Incumbents Dayvault, Jackson and
16 Kincaid were all reelected. If you noticed tonight, only Jackson and Dayvault were sworn in. Tom
17 was sworn in privately and resigned privately. Although unnecessary, Council voted tonight to
18 accept his resignation. We are thankful of the vote to move the money to CCM, but it appears that
19 the group wanted to overthrow the will of the voters by not letting Tom back on Council. There is
20 a vacancy on Council and Council is authorized to fill the vacancy in any method Council chooses.
21 The last vacancy filled by Council was by receiving applications, interviewing the best candidates,
22 and selected someone to fill the vacant seat. You might not be surprised that another option has
23 been recommended that Council should select the next highest vote getter and fill the seat, or let
24 the seat go vacant until the 2025 election. Why the fourth highest vote getter of this election, why
25 not the fourth highest voter getter of any previous election. Why would anyone want to have a
26 three-three Council for two more years. Maybe a better solution is to allow a cooling off to see if
27 there is any desire in February, March, or April to select a candidate from applicants who expressed
28 an interest in being selected.

29
30 Mayor Hinnant further stated that in all of his 22 years on Council, he has never seen a bigger mess
31 that was so unnecessary. In the past there has been disagreements that were debated and afterwards,
32 everyone moved on, but this one is different. From destroying the career of an experienced Council
33 Member for no reason, for holding other Council Members hostage, the group has damaged this
34 Council and this community for the future. Staff may find it easier to work somewhere else where
35 they don't have this kind of fear of uncertainty. Investors and developers will decide to invest in
36 another location. Our reputation of that shining star on the hill will glow a little different. To repair
37 this damage, which will be pitifully slow unless the group admits their mistake and rather trying to
38 justify, they should follow the will of the voters to allow Tom Kincaid to fill this vacancy. His hope
39 is that all six Council Members can work together to find a solution to move the community
40 forward, but the community was entitled to this information and this transparency was needed to
41 begin the healing.

1 **SPEAKERS FROM THE FLOOR:**

2 Mark Spitzer of 2115 Golf Crest Drive stated he was not aware that the Mayor would have the
3 comments that he did. He is deeply saddened by the resignation of Councilman Kincaid. He has
4 had the privilege of working with Councilman Kincaid during the time they served together on the
5 board of Cabarrus Health Alliance. In watching him over the years and in this chamber, displaying
6 the highest level of thoughtful deliberation and integrity, actions that we should always demand of
7 our elected officials. During this decisive period in our nation's history when extreme patronship
8 shapes and hardens decisions, disregards facts and truth, thereby threatens our freedom and the
9 fabric of our representative form of government. We need all elected officials locally and beyond
10 to act in accordance with the greater good, the trust we place in them, and the examples set by man,
11 he is honored to call his friend. He knows this was not an easy decision for Councilmen Kincaid,
12 given the trust placed in him by his fellow citizens, but he has great respect for him as he makes
13 the selfless decision and sacrifice to stand down in order serve the greater good of the community
14 and particularly those among us who are most in need of our help.

15
16 There being no further comments, Mayor Pro tem Wilson made a motion to adjourn. Motion was
17 seconded by Council Member Jackson and approved by unanimous vote.

18
19 The meeting adjourned at 6:40 PM on Monday, December 11, 2023.
20

21
22
23 _____
24 Milton D. Hinnant, Mayor

25
26 _____
27 Bridgette Bell, MMC, NCCMC
City Clerk



Kannapolis City Council

City Council Agenda Staff Report

January 22, 2024

To: Mayor and City Council
From: Bridgette Bell, City Clerk
Subject: January 08, 2024 Work Session Minutes

Action Requested by City Council

Required Votes to Pass Required Action

Background

Fiscal Implications

Policy Issues

Legal Issues

Recommendations and Alternate Courses of Action

Attachments

1. 01-08-2024 Work Session

**CITY OF KANNAPOLIS
CITY COUNCIL MEETING
WORK SESSION MINUTES
January 08, 2024**

A regular work session meeting of the City Council of the City of Kannapolis was held on Monday, January 08, 2024, at 4:30 PM at the Kannapolis City Hall located at 401 Laureate Way, Kannapolis, NC.

CITY COUNCIL MEMBERS PRESENT:

Mayor: Milton D. Hinnant

Council Members: Jeanne Dixon
Darrell Jackson
Ryan Dayvault
Dianne Berry

Council Members Absent: Doug Wilson

City Manager: Mike Legg

Assistant to the City Manager: Kristin Jones

Assistant City Manager: Wilmer Melton

City Clerk: Bridgette Bell

City Attorney: Walter M. Safrit

Staff Present: Irene Sacks Kirk Beard
Tony Eury Annette Privette Keller
Brian Roberts David Jordan
Michael Rattler Tracy Winecoff
Greg Summitt

Others Present: Bob Doty Joe Hatley
Zach Erwin Sophia Wilkerson
Amos McClorey Jayne Williams
Phil Goodman Lottie Forney
Doug Vernor Ray Council
Mark Spitzer

CALL TO ORDER AND WELCOME:

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

1 **PROCLAMATION: Dr. Martin Luther King, Jr.**

2 Mayor Hinnant read a Proclamation recognizing Dr. Martin Luther King Jr. and presented the
3 Proclamation to Jayne Williams.
4

5 **ADOPTION OF AGENDA - Motion to Adopt Agenda or make revisions**

6 Council Member Berry requested that Council comments and public comments be added at the end of the
7 agenda. Mayor Hinnant noted that normally at a work session we don't have Council comments and
8 speakers. He asked for a motion to amend the Agenda. Council Member Berry made a motion to amend the
9 agenda by adding Council comments and public comments at the end of the agenda. Motion was seconded
10 by Council Member Dixon and was approved by unanimous vote.
11

12 **CONSENT AGENDA – Motion to approve Consent Agenda or make revisions**

13 Council Member Dayvault made a motion to approve the Consent Agenda. Motion was seconded by Council
14 Member Dixon and approved by unanimous vote.
15

16 Memorandum of Understanding between the City of Kannapolis and PresPro, LLC (Richard Smith, Planning
17 Director) (Copy included as Exhibit A)
18

19 Budget Amendment appropriating Cash Reserves for Administrative Correction of Irish Buffalo Creek
20 Greenway (Kristin Jones, Assistant to the City Manager) (Copy included as B)
21

22 Budget Amendment appropriating Home Program Income for Rehabilitation Expenses (Kristin Jones, Assistant
23 to the City Manager) (Copy included as Exhibit C)
24

25 Award bid for the construction of the green room at Village Park and authorize the City Manager to execute the
26 contract (Gary Mills, Parks & Recreation Director) (Copy included as Exhibit D)
27

28 **BUSINESS AGENDA:**

29 **Presentation - Fiscal Year Ending 2023 Audit (Brian Roberts, Finance Director, Kari
Dunlap, Martin Starnes & Associates, CPAs, P.A) (Copy included as Exhibit E)**

30 Finance Director Roberts introduced Kari Dunlap with Martin Starnes & Associates for a report
31 on the Fiscal Year Ending 2023 audit. Ms. Dunlap stated that there was an unmodified opinion on
32 financial statements, meaning there is a clean opinion. The general fund shows that revenues in
33 2023 were listed at \$65,884,442 and expenditures at \$61,815,058, a difference of \$4,069,384. That
34 figure is smaller than the difference in 2022 at \$4,240,263, but the revenue and expenditure total
35 this year were greater than last year's. Ms. Dunlap noted the fund balance available as a percentage
36 of net expenditures was 79.2 percent, which is beyond the minimum 25 percent that the Local
37 Government Commission requires. The City's largest revenue generator came from property taxes,
38 followed by other taxes, and then unrestricted intergovernmental. They made up 85 percent of
39 2023 revenues with \$56,147,233 and all individually increased from 2022. The highest

1 expenditure Kannapolis invested in was public safety, followed by debt services, and then general
2 government. Those categories consist of 81 percent of all expenditures, totaling \$50,013,437. The
3 city spent more on those three services than they did last year. Cash reserves for water and sewer,
4 stormwater, and environmental are significantly higher than their target reserve percentages. After
5 the audit is approved by the LGC, the Annual Comprehensive Financial Report will be is posted
6 on the City's website.

7
8 There being no questions or comments, Mayor Hinnant thanked Mr. Roberts and Ms. Dunlap.

9
10 **Presentation- NCRC Learning and Wellness Garden Project (Mike Legg, City**
11 **Manager) (Copy included as Exhibit F)**

12 Mr. Legg explained that a small group of NCRC campus partners have been working on a proposed
13 "Learning and Wellness Garden" on the NCRC campus to connect creatively and effectively what
14 is happening in the research labs on campus with the larger community. The intent is to connect
15 university and city partners to promote healthy eating, wellness, and disease prevention while
16 educating the community. The garden will provide a place for diverse learning from STEM
17 education for a K-12 audience to nutrition education for medical providers to help improve health
18 outcomes. There is no specific request currently. This working group wants to gauge City Council's
19 general support for the concept before moving forward more diligently. A presentation was made
20 on the proposed Learning and Wellness Garden located on the NCRC. A power point was
21 presented by:

22
23 Amy Bowman, MS - Extension Associate STEM Education, NC State University
24 Cheri Granillo, DNP, FNP-BC - Translational Nutrition Program Manager,
25 NC State University Doug Vernon - Extension Assistant, NC State University
26 Leah Allen, Partner/Director of Community Engagement, Coddle Creek Capital
27

28 Mr. Jackson asked about the time frame. The project will be a 3-to-5-year process and will be done
29 in phases, with the first phase completed in 12 months. There were questions regarding other events
30 like the City's Jiggy with the Piggy event in May. There would be plenty of room for City events, as
31 the project will only take up 2 acres. They would also like to have some water features and showed
32 a picture of the Salisbury Water Park. There is also a Community Wellness Garden at the Northeast
33 Medical Center in Concord. The question was asked if they already have the funding or an idea for
34 Land Design costs.

35
36 Ms. Bowman said they felt like they can't spend any money until they know they have a space in
37 which to do it. The Mayor remarked that the City can't give space until they know what will be put
38 there. Ms. Bowman said if there is interest from the City, would be happy to come back with concrete
39 estimates.

1
2 Mr. Dayvault stated the key for him would be if there is not a hard no from a majority of this board,
3 would think it alright to get a sketch from Land Design to see it will fit and then come back to the
4 City. Then Council could decide on how to deal with the property whether leasing or selling. If it is
5 a no from this board, they probably need to find property elsewhere.
6

7 Mr. Legg stated this has been something discussed off and on for 15 years plus on some kind of
8 outdoor landscaping project. It never made the cut for any of the City's strategic plan for many
9 reasons. Now that Staff is finishing up the Strategic Plan, this project could be added.
10

11 However, Council will need to decide at some point, if this is a project Council wants to get behind.
12 As far as the design, we have three partners, the City, NC State and Coddle Creek and with a
13 couple of others, can pull together enough resources to do a simple design and understand what
14 we are talking about. Mr. Legg noted that the Core Lab is still in flux but sees a path forward to
15 get the next step started.
16

17 **Presentation - Debbie Street Stormwater Improvement Options (Michael Rattler, Director**
18 **of Transportation & Environmental Services, Wilmer Melton, Assistant City Manager)**
19 **(Copy included as Exhibit G)**

20 Mr. Rattler provided a power point presentation and explained that at the October 2023 City
21 Council work session, Staff provided information regarding the City's current stormwater program
22 which focuses on the maintenance of publicly dedicated infrastructure, and the growing request
23 from residents to assist with privately maintained drainage infrastructure. To date, we have 317
24 private requests for public assistance with drainage systems or flooding issues.
25

26 Current City policy does not allow for maintenance of private infrastructure outside of public right-
27 of- way. Following this meeting, Debbie Street residents made a request to City Council to repair
28 their private drainage systems as a public project. An evaluation of the existing site conditions has
29 been conducted, and the following recommendations have been provided:
30

31 Option 1 – Replace the existing drainage system downstream of Debbie Street with the same size
32 pipes. Other than a connection to the existing public storm drainage system, all construction
33 would be located on private property. Estimated Project Budget \$110,000.00. This option only
34 repairs the failed private culvert system and does not improve the overall drainage system and
35 may open us up to liability.
36

37
38 Option 2 – Upgrade the existing storm drainage system to support the 25-year storm event.
39 Construction activities would be located within the public right of way as well as private property

1 with the use of easements. Estimated Project Budget \$760,000.00

2
3 While the City was awarded a local federal storm water assistance grant that will evaluate and
4 provide recommendations for four sites within the City, it is our recommendation that a
5 comprehensive stormwater master plan be completed. This will help to identify projects and
6 establish criteria for public investment if City Council desires to change current policy and offer
7 assistance with private drainage systems. This shift would also need to evaluate funding options
8 that could include modifying the existing stormwater fee, property owner assessments,
9 establishing a participation program, or a tax increase specifically for stormwater improvements.

10
11 Mr. Rattler described the Debbie Street Recommendations:

- 12 1. Allow Debbie Street off Right-of-way drainage to remain private and the responsibility
13 of the existing property owners. (Recommended)
- 14
15 2. Fund a comprehensive Stormwater Master Plan that will help to identify projects and
16 establish criteria for public investment. (Recommended)
- 17
18 3. Fund Option 1 (\$110,000) or Option 2 (\$760,000) Debbie Street improvements.
- 19
20 4. Funding options: property assessments, increase in stormwater fee, reprioritize existing
21 capital projects or other services.
- 22

23 Mr. Legg explained there are 317 other private property service requests recorded (2019 –YTD
24 2024). The things Council needs to consider is are you willing to fund the project and get a
25 master plan done.

26
27 Following general discussion, Mr. Legg stated that Staff will give Council a summary of what was
28 discussed, so that Council can begin thinking about a plan before the budget process.

29
30 **Presentation - Firefighters Burned Childrens Group Annual Report (Lee Goodman,**
31 **Residential Safety Coordinator)**

32 Lee Goodman, Residential Safety Coordinator gave a presentation on the complimentary services
33 the Fire Department offers. Smoke alarm and carbon monoxide alarm battery replacement.
34 Residential Knox Box: Secured key box that eliminates hide-a-keys. Community CPR training,
35 Bed shaker devices for those persons who are hard of hearing or deaf. In person residential safety
36 survey to help identify and eliminate safety concerns in the home. The Firefighter's Burned
37 Children Fund was organized by firefighters and their concern for burn injuries and the need for
38 prevention education. Funding support is raised through monetary donations, aluminum can
39 recycling, raffles and golf and softball tournaments.

Budget Amendment- Funding for a proposed Parks and Recreation Department Reorganization (Gary Mills, Parks & Recreation Director) (Copy included as Exhibit H)

Mr. Mills explained that the summer concert series in Kannapolis has developed into a major regional entertainment draw with large crowds for each event at Village Park. Each year, inquiries to the City regarding the scheduled lineup begin as early as six months prior to the first concert. The concert series attracts well over 50,000 visitors annually and certainly has a positive impact on different aspects of our local economy.

Several members of City Council have inquired about the possibility of: 1) adding one or more additional concert, and 2) increasing the number of nationally recognized performers. In response, staff has created a potential schedule for the 2024 Summer Concert Series that meets both of those objectives. However, with adding more shows and bigger names comes additional expenses. With the proposed 2024 lineup, staff will add a show in July and will add bigger names to the lineup - while still creating a diverse lineup across multiple genres. Entertainment and production expenses have also risen dramatically over the last three years, which in turn, impacts the number of shows and the quality of shows we can deliver. It is proposed two budget amendments presented for City Council's consideration:

1. Option 1 (\$575,000) would result in one additional show - as compared to the 2023 lineup - and all shows (except for the Charlotte Symphony) would be well-known nationally recognized performers.
2. Option 2 (\$340,000) is essentially a status quo budget, and the lineup would be similar to the 2023 lineup. With this option, there would be one (or two) lower cost, regional performers mixed in with the nationally known acts and the Charlotte Symphony.

Either option chosen by City Council would provide for a stable funding line that covers the entire summer which will allow staff to better plan the series without having to account for crossing fiscal years and trying to plan for one month at the end of the next fiscal year. This will enable staff to book performers earlier in the year and get contracts signed, allowing us to promote the lineup earlier. The unspent funds on June 30, 2024, would be encumbered (carried over) into the FY 24-25 budget. This approach of budgeting across two fiscal years is the recommended process going forward - regardless of the amount that is allocated for the concerts from June through August or each year. In essence, this process would "advance" funds for the upcoming 3-month summer concert series.

Questions were asked if the events are funded at a higher amount, would it secure more national acts.

1
2 Mr. Dayvault stated that the City is involved with the Swanee Theater, would also limit the
3 chances of competing against each other, because you would be able to plan things out at a
4 national level, not so much at a regional level. He would think that would help with some of the
5 competition issues that may come up with the Swanee.

6
7 Mr. Jackson realizes the impact those concerts have on the economy. You are talking about
8 50,000 people coming to Kannapolis and just the exposure standpoint of view is beneficial. Some
9 of the numbers he mentioned about the train season has doubled over the past year causes a lot
10 of people to come and see the amenities. We should move forward and make a decision to get
11 the best entertainment for our dollars. It sheds a very good light on Kannapolis and how
12 aggressive we are moving forward and providing someone back to the people who pay taxes.

13
14 Mrs. Berry noted she is much older and does not attend the concerts, she knows that Ryan loves
15 them and that is not her. She sees how much money goes out and can't help but wonder if we
16 alternate Headliners are fine, but do we need to spend that kind of money. She sees a lot of
17 comments on Facebook about having local bluegrass band, or smaller band. Does it always have
18 to be the kind of money you are spending. She worries in the world we are moving in; things
19 could happen each time there is a concert. She does not know if bringing in 18 thousand people.
20 Six or seven times a year is a wonderful thing or not. Mr. Mills stated that is where the Swanee
21 provides opportunities for that level of entertainment.

22
23 Mrs. Dixon asked if this budget included the Swanee. Mr. Mills stated it does not. So, Council
24 could be asked for additional funds. Mr. Mills responded that the Swanee's budget is already
25 approved. Mrs. Dixon stated she thoroughly enjoys the concerts and attends most of them and
26 with the Police presence she sees is a fun atmosphere.

27
28 **Budget Amendment - Establishing funding for the 2024 Summer Entertainment Series at**
29 **Village Park in advance of the FY 25 budget process (Gary Mills, Parks & Recreation**
30 **Director) (Copy included as Exhibit I)**

31 Council Member Dixon made a motion to approve Option 1 \$575,000. Motion was seconded by
32 Council Member Dayvault and approved by unanimous vote.

33
34 **CITY COUNCIL COMMENTS:**

35 Mayor Hinnant asked Mr. Jackson if he would like to say something.

36
37 Council Member Jackson made a motion to amend the agenda and consider filling the vacancy on our
38 Council. He stated that Council has a lot of decisions to make going forward and thinks it is important that
39 Council select someone to fill that vacancy.

1
2 Mayor Hinnant asked if there is a second to that motion. Council Member Dixon seconded the motion.
3 Comments or questions: Mrs. Berry stated, "don't you think we should all be here; we have one missing
4 tonight and I think we should all be here".
5

6 Mayor Hinnant responded that we have had transacted business all night and there was not somebody here.
7 In fact, we have two people who are not here, we are down to five people who are transacting business here
8 tonight. Our business has to go forward to get this done. So, there is a motion and second on the floor that
9 says we would like to amend our agenda to talk about filling the vacancy for Council. All in favor raise
10 your hand please, all opposed.
11

12 Mr. Dayvault stated that he is OK with discussing the matter.
13

14 Mayor Hinnant asked for a show of hands. Asking Mrs. Berry if she was voting for or against the motion.
15 Mrs. Berry said I guess we can talk about it, but I just think it would be better if we were all here. Since
16 nobody knew about his.
17

18 Mayor Hinnant asked Mr. Jackson if he wanted to add anything to the discussion.
19

20 Mr. Jackson said that we are all elected by the people of Kannapolis to do a job and I feel like Tom Kincaid
21 was elected by the people to serve. I'd like to make a motion that we bring Tom back to the Council and
22 fill the vacancy. Mayor Hinnant asked if there was a second. Mrs. Dixon seconded the motion. Mayor
23 Hinnant stated we have a motion and a second. Comments or questions about filling the vacancy with Tom
24 Kincaid.
25

26 Mr. Dayvault stated as with Mrs. Berry, is fine with having a discussion, but thinks it would have been nice
27 for all Council to be present before voting.
28

29 Mayor Hinnant asked all in favor of putting Tom Kincaid back on this Council, raise your hands please.
30 (Mayor Hinnant, Mrs. Dixon, and Mr. Jackson). That is three. Opposed:
31 Mr. Dayvault and Mrs. Berry). That is two. Mayor Hinnant asked Mr. Safrit, what is the majority required
32 in order for a five-member vote for a majority.
33

34 Mr. Safrit responded that you have a quorum tonight, so action on a non-ordinance motion would be a
35 majority vote being three.
36

37 Mayor Hinnant stated so, we have just voted, and it has been confirmed that it is a majority vote and in
38 moving forward. Madam Clerk, would you please get out your bible and your documents and would Mr.
39 Doty, is Tom Kincaid out there. Mr. Kincaid walked to the podium where City Clerk Bell administered the
40 oath of office to Mr. Kincaid.
41
42

1 Mayor Hinnant: I think the motion was Council comments. Are there any other Council comments as well
2 as comments from the public.

3 Mrs. Berry stated that she was asked by Mr. Wilson to deliver his thoughts. He got sick on Saturday and
4 since he is unable to attend the meeting, asked her to read a prepared letter.

5
6 To: the Citizens of Kannapolis, the staff of the City of Kannapolis, and the entire Kannapolis City Council
7 From : Doug Wilson / Member of the Kannapolis City Council
8

9 “On December 11, 2023, the last Council meeting of the year was held and began on a very high note
10 including recognitions and the swearing in of Councilmen Jackson and Dayvault to begin their new 4-year
11 terms on City Council. I was sworn in as the Mayor Pro tem for the next year. Many family members and
12 friends were present to witness and show their support for all who were recognized and honored. And then
13 the atmosphere changed. For 10 minutes or so the audience and Council were treated with a barrage of
14 insults and untruths. Until this moment the City of Kannapolis had had become a rising star, not only in the
15 piedmont but across the whole state. now we have been disgraced not only by that night but following with
16 more damaging rhetoric in not only the newspapers but on regional television. I have asked myself
17 repeatedly how does any of this outburst help our City? I can’t find any logic to the path was chosen. Again,
18 all that happened was that embarrassment and shame has been cast on our City. In closing I want to remind
19 all that Kannapolis has a City Manager- Council form of government. In essence that means the Mayor
20 presides over Council meetings, he helps set and approves the agenda and represents the City at various
21 public events. He has no more power than the rest of Council. We all have one vote. No member of Council
22 including the Mayor is authorized to scrutinize nor criticize another Council Member on how or why they
23 vote in any direction. There is certainly no authority to chastise any Council Member for how they vote.
24 Until the day comes when everybody on this Council agrees on this line of thought I think this Council
25 being productive and being able to conduct City business for the citizens is very questionable. But I think
26 we are close because I believe 5 of the 6 are ready to.

27 Doug Wilson
28

29 Mayor Hinnant asked if there were other comments or questions:
30

31 Mr. Kincaid stated to the citizens of Kannapolis, I apologize for a lot of things, but the one thing that I
32 won’t apologize is sitting on this Council. He explained how this matter came about and was thought out
33 to the end and it was executed to the best ability. CCM grant was not the city’s money in any way, it was a
34 pass through the cares act, especially for that, and that is exactly what it went for. I had nothing to do with
35 Mr. Hosack before he had gotten the grant. He talked to the city about that prior to our meeting. The one
36 thing that does bother me is that Mrs. Berry sitting her the whole time for 2 years has talked about women
37 and children and sleeping in their cars. We have over 1000 of them right now, all you have to do is step out
38 and see them. We came with a package that would elevate, not all of it, but a lot of it. She takes a stand that
39 is terrible. I’d like to ask her why she feels so strong about that when that is exactly what she wanted, and
40 we got. We all said that we would vote for CCM to come up with a plan to give us what we need and that
41 is exactly what we needed. I have had some health issues, many may not know, may not matter, but I knew
42 that I was going to have to step down from Caremoor. I wasn’t able to continue to do care for Caremoor

1 like I had done. I had a sell in Gastonia to another company with considerably more money than what Mr.
2 Hosack was able to pay. I felt stronger about the people of Kannapolis and these children and women than
3 I did about the money. I honestly don't need the money. But what I did need is for the City of Kannapolis
4 to profit from my facility. That facility is completely running and up and running now. If Mr. Hosack started
5 now, it would take him 5 years for him to get where he is right now today. He has already started working
6 on women and children. Now, if that is a direct disgrace or you think that is ethics, then I question the ethics
7 of the 3 that voted no and find out exactly it was they wanted, if they wouldn't vote for this. I don't think
8 there was anybody in this audience could say that this was not a good deal. In fact, I had to finance a
9 majority of Mr. Hosack's deal, myself. But that is how strongly I felt about it. But I have loved this Council
10 for 14 years, I've sat here and watched it grow. I've felt the pain, but when this happened, it only hurt me,
11 it hurt my family. So, I feel pretty strong that I had to do what I did tonight when I was asked if I would
12 come back, I said absolutely I will. Because I don't want to see Kannapolis go down any wrong holes and
13 she was right and Mr. Wilson was right, we were going down the wrong holes. This was a power struggle
14 and I think they can all see that. If you can't that is neither here nor there. So, I am pleased to be back on
15 this Council, and I want to do the work for the people, and I will continue to work that I was voted to do.
16 Almost 1200 people said they wanted me in this seat. 3 said they didn't. So, we are going to give the people
17 what they want. With the next election, you can do whatever you want to do. But we are going to finish out
18 this one. If anyone would like to talk to me after this, I would be more than happy to talk to you. We have
19 all the evidence in the world from the attorney's that this was no collusion, there was nothing here. We
20 have the letters and Mr. Safrit can confirm that. So, where this came up that this was wrong, I am sorry
21 about the news people. They do their job, that is what they are here for. But it did get (inaudible), it got
22 twisted, but it was twisted bad enough to cause all these problems. So, I hope that you support me, and I
23 hope you continue to support me. I hope that I have done a good job the 14 years that I have been here.
24 Have I been perfect, nope. Will I be perfect in the future, no. There is only one person, the only people that
25 I care about is the people in Kannapolis. There is no private agenda here, I don't get any pay or nothing.
26 This is strictly for the people. If you have a problem with that, please call me and I'll talk to you. Thank
27 you very much.

28
29 Mayor Hinnant: Are there other comments or questions for Council?
30

31 Mr. Dayvault stated there has been a lot happened in 10 minutes, so I'm not really sure how to process it
32 all. But I welcome Tom back for another 2 years. Mr. Kincaid: Thank you, Ryan. I guess we all have to
33 figure out a way to move forward for the benefit of this town. We can sit here and go down a rabbit hole
34 right now and respond to everything that has been said on both sides of this argument, but I'm not going to
35 do it. The Mayor and I had a 3-1/2 hour conversation last week and didn't get anywhere, we agreed,
36 disagreed in a lot of ways. But it was a civil conversation. That is all that I ask for. One of the biggest
37 discussion points of that meeting was that we talked about the news broadcast and the things that were said
38 in the broadcast and the things that were said in this meeting, which as Mr. Wilson said, there were a lot of
39 hurtful things. It's all over interpretation and your respective of what happened. Everybody is entitled to
40 going forward, Tom, you, I and Mr. Jackson, we have 4 years if we live that long to serve out this term. We
41 have to figure out a way to stop this nonsense of rudeness on this Council. The Mayor is not entitled to
42 control the group, I am not entitled to control the group. Nobody on this board is entitled to control people's

1 actions on this board. That is the way this structure is set up. There are fractions everywhere. There is
2 fraction in DC. There is fraction in Raleigh. There is fraction on the school board. We don't have to operate
3 that way in the biggest thing I asked the Mayor to do, and I recognize this for myself, if you refer to the
4 verbiage you chose in the meeting, is that we all have to respect each other's opinion, whether we agree or
5 not. We can all walk out that door and not hate each other because we disagree or we don't have to come
6 back in here and immediately response well that's crazy, you shouldn't think that way. You don't need to
7 think that way because I am right. In Tom's case, that was a decision that I had to make, based upon what
8 legal counsel had given. Legal counsel said it was legal. The ethics issue is the only issue that came up was
9 questionable for me. So, in my heart, I had to make a decision. That was the most equable thing in my heart
10 is to be able to support this thing. That's the way any government function should work, other than we
11 didn't have to go down this rabbit hole, that is the part that I hope you can move past because we can't
12 function to the best of our ability with that mindset. How can we overcome that group or whatever and it is
13 disrespectful to each member of this Council as an intellectual person to be able to think for ourselves and
14 to make the decisions and not just because somebody told us to vote a certain way. All of this stuff that has
15 been discussed, I think that is the heart of what this City has to get out of this. This board is better than this
16 and Tom and I or Council members and Darrell or Council members under a previous board, under a
17 different Mayor, there were good people on that board, but we had problems, just like this board, this is a
18 good group of people, but we have problems. We have to recognize as Tom has said, nobody is perfect, but
19 have the decency and respect of each other's opinions. Whether an ethical issue or legal issue, or just a
20 philosophical difference. That is our right as American citizens, it does not matter if you are a democrat or
21 republican or unaffiliated, or on this board, or sitting in that audience, we have to get over this and forget
22 this group talk. It is nonsense. It is absolute nonsense. So that is all I ask and as long as we have that attitude
23 and mind set, I think we can move forward the way we always have and if 4 people want to do something
24 and 3 people don't, that is fine. Majority rules. Just like how Tom got back on this board, majority rules,
25 There is nothing you can do about it. Because that is the law of the land. So, with that, it is almost 7 o'clock,
26 I will stop talking. Thank you, Mayor.

27
28 Mr. Kincaid stated Ryan you are exactly right. Every word you said is spot on. If we do nothing, this Council
29 has had some runs for a long time. A lot it personal and we know what those are. We've got to quit bringing
30 our personal feelings into Council, because the only people that is being hurt is citizens of Kannapolis.
31 When we get our feelings and we are doing our business from our feelings, so it's like you said, I hope from
32 this point on and from the time we walk out that door and come back, in two weeks, this Council changes.
33 I want you to keep in prayer that we do, and I've prayed a lot about this, and I think that is why we are here
34 today. We have a chance to undo what we have done wrong, and we have all done wrong. We are all guilty
35 of it and we know this. So, if we will accept our responsibilities, stop laying blame and move on, we can
36 take this Council where it needs to be and push this City forward. We have an obligation to do that, these
37 guys voted for us. This is what we are supposed to do as a job. If we can't do our job, then we need to step
38 down. That is all I have to say.

39
40 Mayor Hinnant asked if there were anyone else on Council wanting to make comments. Since no other
41 Council Members wished to speak, he had a card from Mr. Doby, but thinks he is no longer present. Are
42 there others that would like to speak.

1 Phil Goodman of 1005 Central Drive. I am going to speak as a citizen, I know everybody up here and I am
2 speaking from my heart. I don't care who is right or who is wrong up here, everyone one of you have
3 screwed up at some point in time. I've screwed up, but it embarrasses me that the City of Kannapolis has
4 gotten 7 adults that are professionals they come into a meeting and discuss business without name calling,
5 backstabbing, and trying to influence people. Yes, I am mad and what went on tonight, nothing personal to
6 you Tom, was a sham. It was a total sham in my opinion as a citizen. This did not have to be done the way
7 it was done tonight. It was to be done in a presentable and professional manner in which the public was
8 notified, people were notified, to give their opinion instead of having it all set up Mr. Mayor to take place
9 the way you wanted it. This is just a sham and an embarrassment to the City of Kannapolis, and I hope the
10 City of Kannapolis remembers this when it comes election time. The best thing I can suggest for tonight is
11 that I really and truly believe this in my heart the reason that 6 people can't get along is because the guy
12 sitting in the blue shirt (referencing Mayor Hinnant) is not a leader. He is a manipulator, and he is a person
13 that twists the truth whenever he can and cannot deal with the truth when it hits him in the face. I think the
14 City would be wise to request Darrell Hinnant's resignation or you may have to expel him from the position.
15 I know the rest of ya'll. You got good hearts, you got good intentions, you got good personalities, you got
16 a love for this City. So goes the leader, so goes the people and this leader had led you down a bad path and
17 it is embarrassing to me as a citizen of this City and I promise you this, I am not the only one who feels this
18 way. Thank you.

19
20 Grant Rader of 1050 Betty Street. I've lived here for about 30 years. At one time or another, I have supported
21 everybody on this board with the exception of Mrs. Dixon and the only reason that I didn't is because I was
22 devoted to a young man that I felt had a marketing background who was youthful and could bring
23 exuberance to this Council that I felt was beneficial. But I did have coffee with her afterward and came to
24 the conclusion that she has a good heart, and her heart was in the right place and that she would be opened
25 minded and work hard for this Council. When this happened tonight, I completely agree with Phil Goodman
26 and this is a bunch of...., I don't want to say. I am too mad to even have this conversation at this time, but
27 what happened tonight is just extremely unfortunate and ridiculous and should have tabled it until you had
28 a full group here to make a decision and talk about it. I agree with everything that Phil just said, every single
29 word that he said, I agree with what Ryan said, I agree with what Doug Wilson said. Mr. Mayor you have
30 publicly chastised these 3 people as though they are criminals because they had the audacity to disagree
31 with you. That is just unfortunate. You not only owe them an apology, but you also owe the City of
32 Kannapolis an apology because you have embarrassed yourself, you embarrassed the City, you embarrassed
33 them and that is just really sad. As I said, I support a lot of you guys in the past, but that has changed tonight.
34 There is now complete lack of support for some of you. It's just too bad that is the way it's going to be.
35 I've got to sit down before I say something that I will regret. Have a good evening.

36
37 Amos McClorey of 1413 Cooper Avenue. My remarks are not to the Council, but a question to the Attorney.
38 Mr. Safrit, I heard you say that they had the right to vote. As a citizen of the 16th largest City in North
39 Carolina, I would like to know where that right comes from, what statute in the law that says it is ok, because
40 I don't think this has happened between here and Florida, New York, and Florida, where Council has voted
41 to put somebody back on without someone stating what the law is that allows that to happen. If there is no
42 law out there to substantiate your answer that they have the right to do that, we would like to have that.

1 Mayor Hinnant asked Mr. Safrit if he wanted to respond or do something in writing.

2
3 Mr. Safrit responded North Carolina State Statute 160A-75.

4
5 Mr. McClory said that is what I wanted to hear, I just can't take it out of air and just wanted to know if
6 there was a law that substantiates that.

7
8 There being no further speakers, Council Member Dayvault made a motion to adjourn. Motion was
9 seconded by Council Member Dixon and approved by unanimous vote.

10
11 The meeting adjourned at 7:00 PM on Monday, January 08, 2024.

12
13
14
15
16 _____
17 Milton D. Hinnant, Mayor

18 _____
19 Bridgette Bell, MMC, NCCMC
20 City Clerk



Kannapolis City Council

City Council Agenda Staff Report
January 22, 2024

To: Mayor and City Council
From: Mike Legg, City Manager
Subject: **PRESENTATION** - City Activity Update

Action Requested by City Council

None. Presentation Only.

Required Votes to Pass Required Action

Presentation Only. No Action Required

Background

The City Manager will provide a brief update on a variety of projects and initiatives underway in the City.

Fiscal Implications

None.

Policy Issues

None.

Legal Issues

None.

Recommendations and Alternate Courses of Action

None. Presentation Only.

Attachments

None



Kannapolis City Council

City Council Agenda Staff Report
January 22, 2024

To: Mayor and City Council

From: Irene Sacks, Director of Economic & Community Development, Annette Privette Keller, Director of Communications, Mike Legg, City Manager

Subject: **PRESENTATION** - Downtown Business Survey

Action Requested by City Council

None, presentation only.

Required Votes to Pass Required Action

Majority Present at Meeting

Background

In November 2022 a survey of downtown businesses was conducted. The survey addressed a wide range of topics including business climate, marketing, special events, organization/communication and parking. Approximately 50 businesses were offered the opportunity to participate and 35 chose to do so. A copy of the results, including several open-ended comments, is attached to this Staff Report. City staff will provide a brief presentation of results at the meeting.

Fiscal Implications

None

Policy Issues

None

Legal Issues

None

Recommendations and Alternate Courses of Action

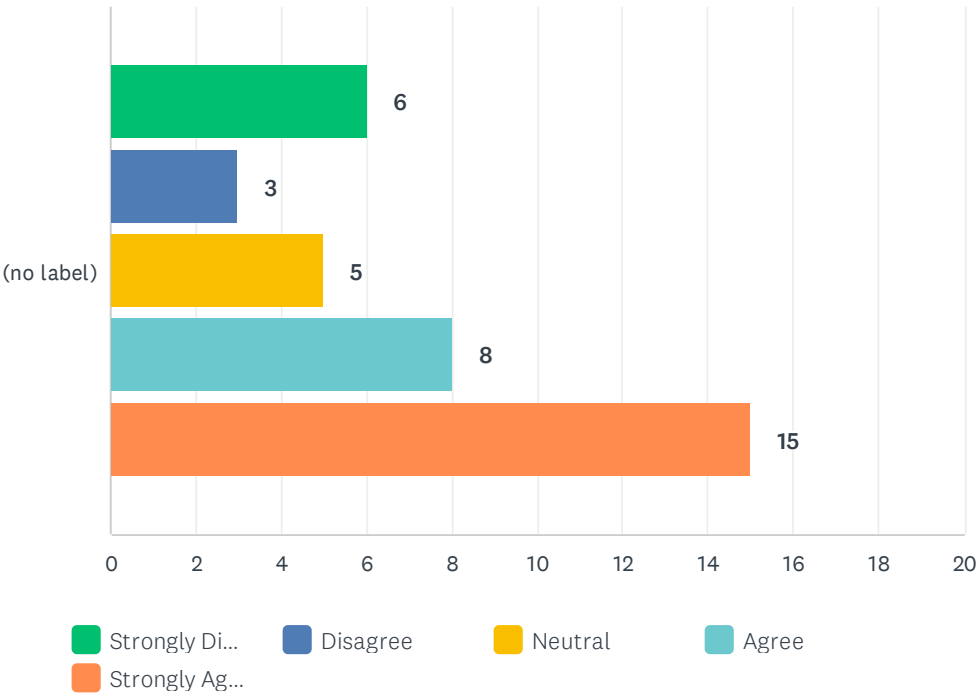
None, presentation only.

Attachments

1. Downtown Business Survey Nov 2022

Q1 New parking rules/regulations are needed to free up premium spots for my customers to use.

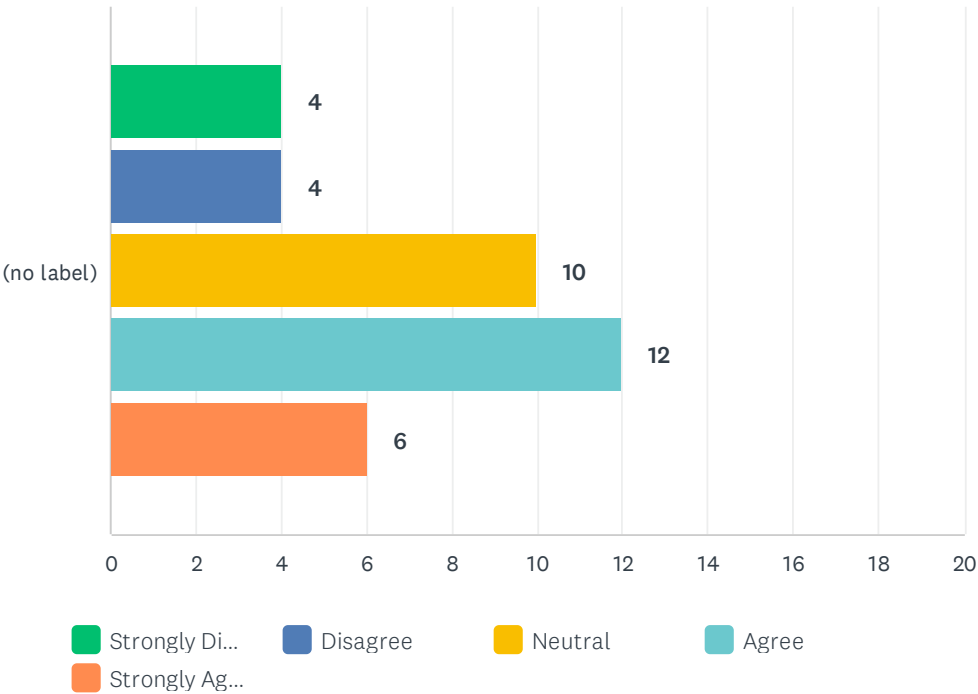
Answered: 37 Skipped: 0



	STRONGLY DISAGREE	DISAGREE	NEUTRAL	AGREE	STRONGLY AGREE	TOTAL	WEIGHTED AVERAGE
(no label)	16.22% 6	8.11% 3	13.51% 5	21.62% 8	40.54% 15	37	3.62

Q2 The proposed Parking Plan will help free up spots for my customers to use during non-baseball game times.

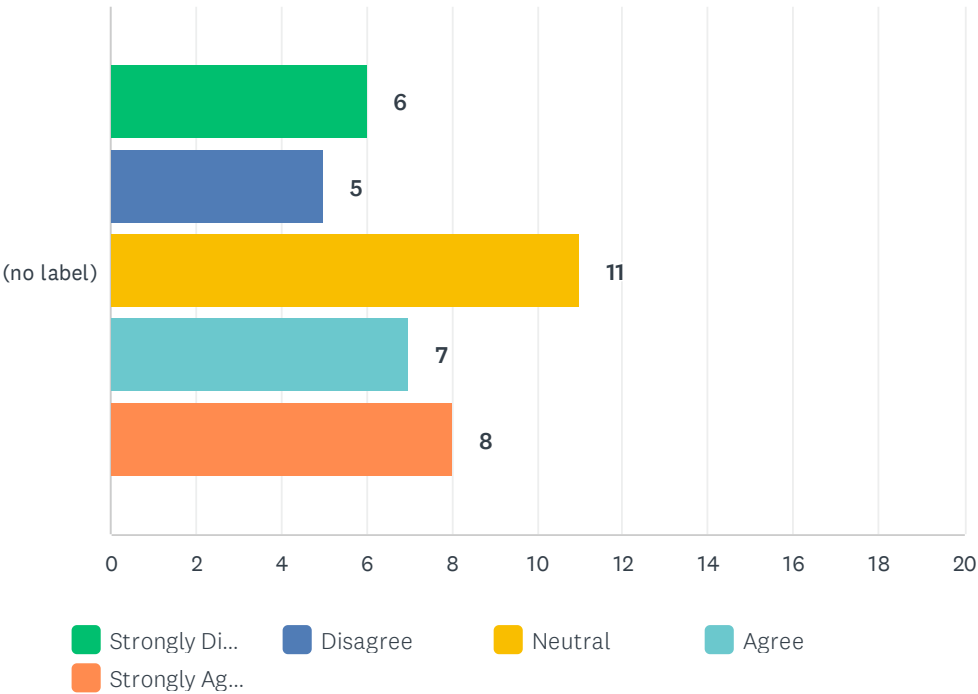
Answered: 36 Skipped: 1



	STRONGLY DISAGREE	DISAGREE	NEUTRAL	AGREE	STRONGLY AGREE	TOTAL	WEIGHTED AVERAGE
(no label)	11.11% 4	11.11% 4	27.78% 10	33.33% 12	16.67% 6	36	3.33

Q3 The proposed Parking plan will help free up spots for my customers to use during baseball games and other special events.

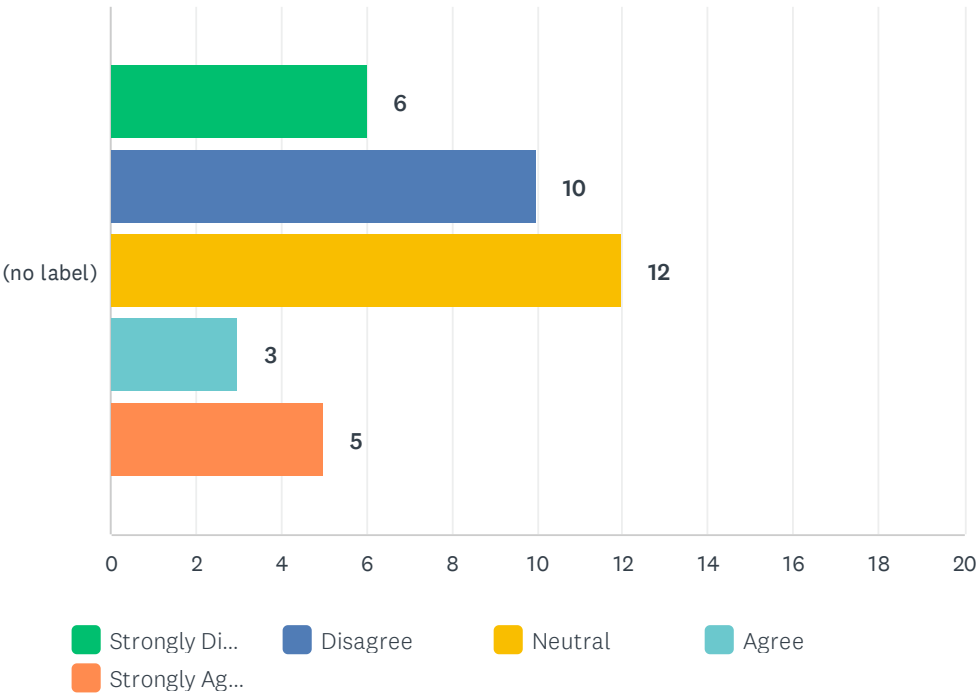
Answered: 37 Skipped: 0



	STRONGLY DISAGREE	DISAGREE	NEUTRAL	AGREE	STRONGLY AGREE	TOTAL	WEIGHTED AVERAGE
(no label)	16.22% 6	13.51% 5	29.73% 11	18.92% 7	21.62% 8	37	3.16

Q4 The proposed Parking Plan will negatively impact my business.

Answered: 36 Skipped: 1



	STRONGLY DISAGREE	DISAGREE	NEUTRAL	AGREE	STRONGLY AGREE	TOTAL	WEIGHTED AVERAGE
(no label)	16.67% 6	27.78% 10	33.33% 12	8.33% 3	13.89% 5	36	2.75

Q5 Additional Comments:

Answered: 21 Skipped: 16

#	RESPONSES	DATE
1	There is much needed additional parking as well as a shuttle service during peak times. The limited parking spaces are no where enough to help with the demands that are needed for the downtown area. I think that in addition to the growth and expansion that's happening in Kannapolis that the small town feeling should be embraced. Adding paid meters in my opinion takes away from this. There simply needs to be a solution added to what is currently in place. Adding paid parking I don't feel is it.	11/24/2023 9:00 AM
2	Paid parking is a turn off for customers	11/22/2023 7:22 PM
3	On Oak Ave, customers should only need parking for 10 to 15 mins during business hours unless they have a doctor's appointment. Typically, they will have packages to carry in or out of the building or to pick up pizza. 30 to 60 min parking will take up short term parking spots for extended amounts of time and force customers to travel further on foot with heavy loads back and forth. Please consider shortening free time for some of these spaces for that purpose.	11/22/2023 5:14 PM
4	Usually, the longer you stay in paid parking the less expensive it becomes hourly. I'm not sure how the public will receive that, if someone wants to stay all day, should they have to pay more? What if they intend on shopping in multiple businesses, I don't believe that should be penalized. Also, it comes across as overreaching in the sense that if someone is willing to pay for the entire day to park in the same spot, they should not be considered undesirable patrons, rather the ideal customer, which should be rewarded instead of penalized for staying longer and paying higher fees than someone only desiring to visit for a lesser amount of time. Business owners should not have to pay for digital passes, we pay taxes already on public parking. As business owners we spend a huge chunk of our resources enticing patrons to come to the area, charging them to park at this stage in the development of this project is premature and counterproductive. I'm unclear as to the entire problem. If people are "poaching" parking spots then consider designating certain parking spots for each business like in other stripmall locations. IE: This Parking spot is for the patrons of Three Jens between the hours of 10-6pm M-F, all other vehicles will be towed and leave it to first come first serve on the weekends.	11/22/2023 12:04 AM
5	Since we are on Main St, we don't hear many complaints about parking. I do like the idea of a shuttle during games, however, I would ask that you consider more than one drop off location (I.e. Swanee Theater only) I think this may benefit some of the folks who work downtown and a drop-off on Main and West A may be helpful.	11/21/2023 11:58 PM
6	Keeping the non premium parking free is very important to us, our employees, our customers / Downtown Kannapolis visitors that like to spend a few hours shopping and walking around. It also seems unfair to charge business owners and their employees to park during peak times if it is expensive. Personally for us, we don't have an issue with customer parking unless there is an event going on.	11/20/2023 5:14 PM
7	Employees of many businesses park in the spots that we have already in downtown. It has been ridiculous!!!	11/20/2023 6:45 AM
8	If parking will have to be paid it may turn people away. If apps are going to be used it will turn away seniors who don't use apps.	11/19/2023 7:33 PM
9	I would like to see more enforcement and penalty of local business owners and employees using the customer parking in the west avenue district. It is a daily issue with some of these people - as we have very little parking it is disrespectful to our clientele and the other businesses alike. David Deal, owner of Sabor Latin Street Grill Kannapolis, david@dealrestaurants.com, 704-650-3048 - i have no need for this to be anonymous in any way.	11/18/2023 2:41 PM
10	The parking situation in downtown Kannapolis is hurting the small businesses. The City must make it as easy as possible for customers to get to the businesses, with the recession in full	11/17/2023 9:17 AM

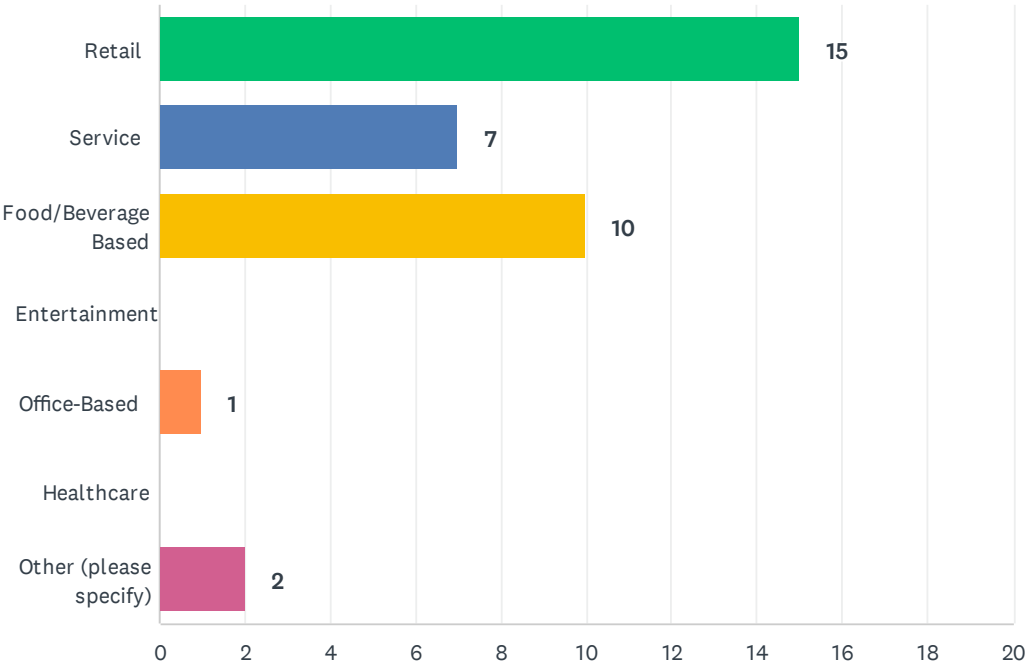
Downtown Kannapolis Business Survey

swing, customers are more choosy about where to spend their limited expendable income. If it is at all difficult they will go to other cities, areas etc. to shop which hurts the businesses, creates less taxes and hurts the city. I believe that the 30 - 60 should be switched to 60 - 90 or even 90 - 120, to allow customers time to shop, eat and drink, but keep under a ball game length. The parking decks need to be reduced price, the proposed and current pricing is well above what customers are willing to spend which will deter people from coming downtown. Handicap spots must be increased and remain free on west ave. I do not believe shuttles will be as effective as the city wants, its an added step to shop, keep it easy and simple. Also one needs to go to the proposed gravel lot. Any new construction should be responsible for the parking that is attached to their Occupancy. Please stop allowing more businesses to build without taking into account additional parking, the downtown is already stressed on parking.

11	I don't think you should have to pay to park. My clients are here for a period of 30-120 mins and that is crazy for them to have to pay to park for that short amount of time. I think they should be able to park where they want for free. Even still, the "premium" spaces will be taken whether they are free or not. Y'all should've thought about this when "revitalizing" the area and put more parking spots and parking decks/lots closer to downtown!!!	11/16/2023 1:15 PM
12	I agree something needs to be done. Starting with regulating the business owners themselves not parking on the street, and also the construction workers. Extra parking lots will help for sure. I do not understand the math on the shuttle runs. Is there 2 shuttles running? It seems like it would be a 20 minute wait otherwise. Which is still not bad, just don't want to misinform people waiting so they don't get mad. Baseball games are heavily at night. When does the parking become free for overnight being allowed. Won't the game goers just take advantage of the parking during those hours blocking the spots anyway. The number one reason the games don't help the business i hear is because they cannot take their purchases into the stadium, they are required to go back to their cars and leave there. This deters shopping.	11/16/2023 12:27 PM
13	1. Free up to 60 min to 90 min on West Ave premium parking would make more sense than 30 to 60. Example time to get to restaurants, get seated, order, 30 min seems a little tight. 2. \$25 for parking deck is more than several places in Charlotte and has been a complaint we have received on multiple occasions. Recommend \$15 for the day. 3. Parking lots should only be charged during game days for the influx of larger crowds. Biggest concern, there is already a lack of people coming downtown, adding a fee would only detour more.	11/16/2023 10:57 AM
14	I like the free period for people who just need to run in and grab a few things! Also like the free parking for employees for sure as I don't like them walking alone at night. I'm not sure I understand the free parking overnight. Will there be a time limit? I very much appreciate the time that was taken to come up with this plan. It seems as if our businesses have been heard!! Thank you thank you thank you!! Donna Taylor	11/15/2023 10:49 PM
15	Much needed. Love the free time for a small amount at the beginning. Great for quick pickups!	11/15/2023 9:23 PM
16	As one of the businesses that have been in our downtown for 3 years, I can safely say this parking plan is exactly what is needed as this is the number one complaint from our customers. Thank you for doing this!	11/15/2023 7:09 PM
17	As a retail business, we are desperate for these parking changes!!!	11/15/2023 6:20 PM
18	We are not ready to charge in the parking lots yet. This should only apply to premium parking spots on the streets.	11/15/2023 4:46 PM
19	Not sure I agree with the kiosk or app for parking. Also- it would be beneficial have a "15 min parking" in various location for quick service businesses.	11/15/2023 4:44 PM
20	It would be nice if the Cannon Ballers staff and players had their own parking. On game days they take up every spot surrounding my business, they come early before we're open and stay into the night. This kills my business, especially on the weekends when it's already busy in downtown.	11/15/2023 4:33 PM
21	Nnn	11/15/2023 3:39 PM

Q6 My business is:

Answered: 35 Skipped: 2

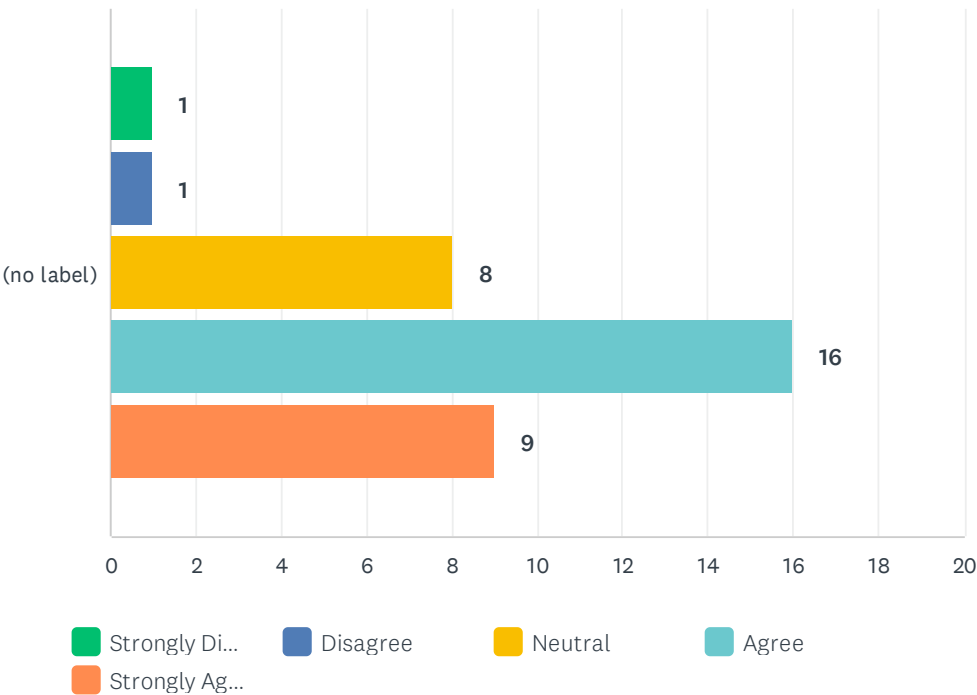


ANSWER CHOICES	RESPONSES	
Retail	42.86%	15
Service	20.00%	7
Food/Beverage Based	28.57%	10
Entertainment	0.00%	0
Office-Based	2.86%	1
Healthcare	0.00%	0
Other (please specify)	5.71%	2
TOTAL		35

#	OTHER (PLEASE SPECIFY)	DATE
1	Fitness	11/19/2023 7:37 PM
2	food/beverage & retail	11/15/2023 11:25 PM

Q7 Downtown Kannapolis is a desirable place to open a business.

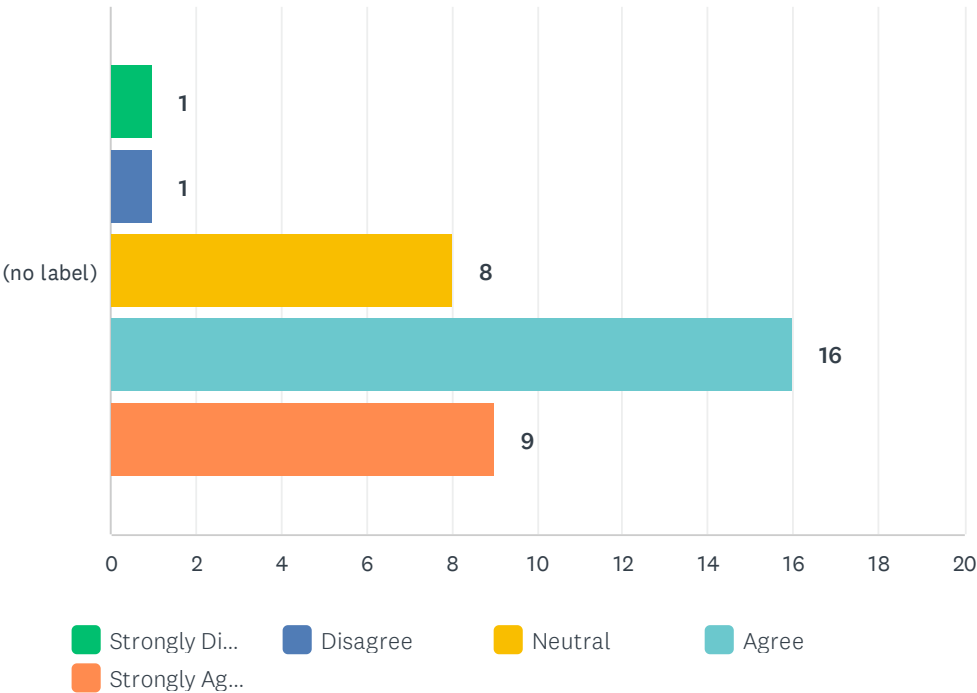
Answered: 35 Skipped: 2



	STRONGLY DISAGREE	DISAGREE	NEUTRAL	AGREE	STRONGLY AGREE	TOTAL	WEIGHTED AVERAGE
(no label)	2.86% 1	2.86% 1	22.86% 8	45.71% 16	25.71% 9	35	3.89

Q8 It is important for my business to be located in downtown Kannapolis.

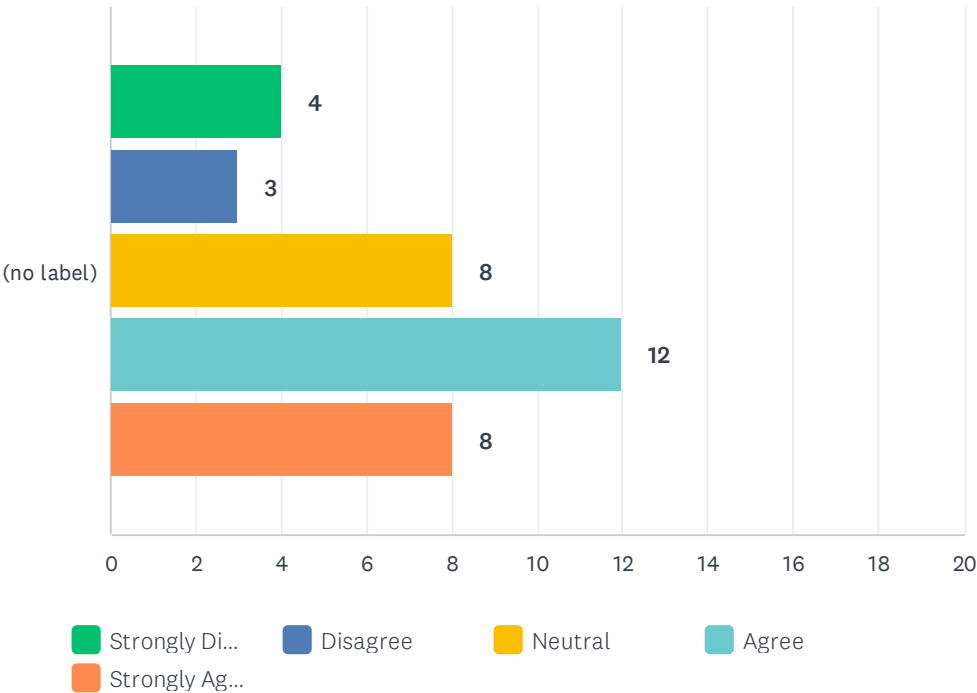
Answered: 35 Skipped: 2



	STRONGLY DISAGREE	DISAGREE	NEUTRAL	AGREE	STRONGLY AGREE	TOTAL	WEIGHTED AVERAGE
(no label)	2.86% 1	2.86% 1	22.86% 8	45.71% 16	25.71% 9	35	3.89

Q9 My downtown business is growing.

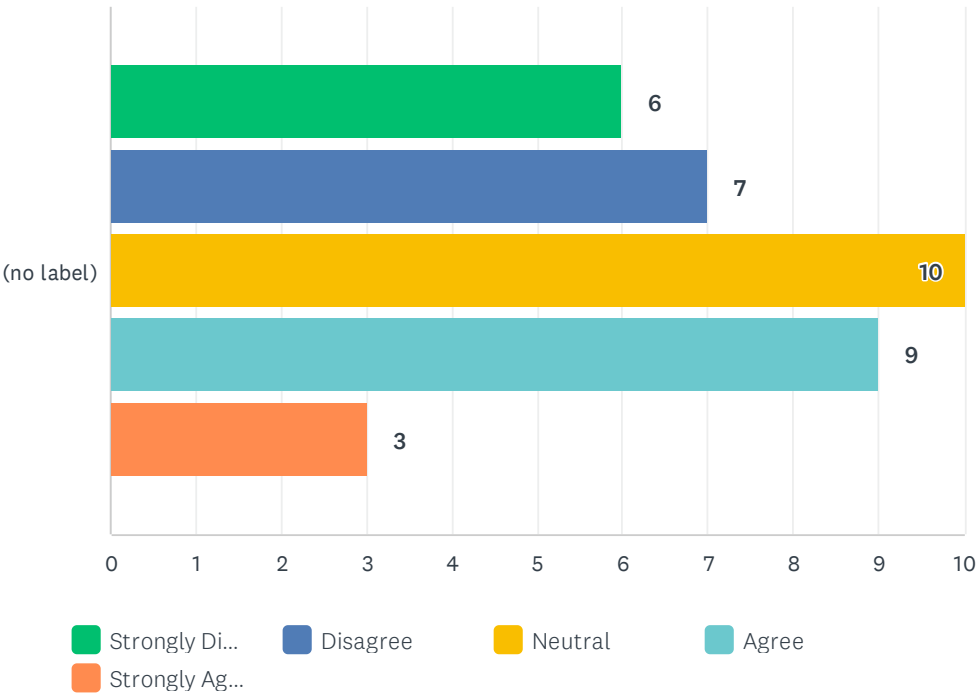
Answered: 35 Skipped: 2



	STRONGLY DISAGREE	DISAGREE	NEUTRAL	AGREE	STRONGLY AGREE	TOTAL	WEIGHTED AVERAGE
(no label)	11.43% 4	8.57% 3	22.86% 8	34.29% 12	22.86% 8	35	3.49

Q10 I have concerns about my ability to stay in business in downtown.

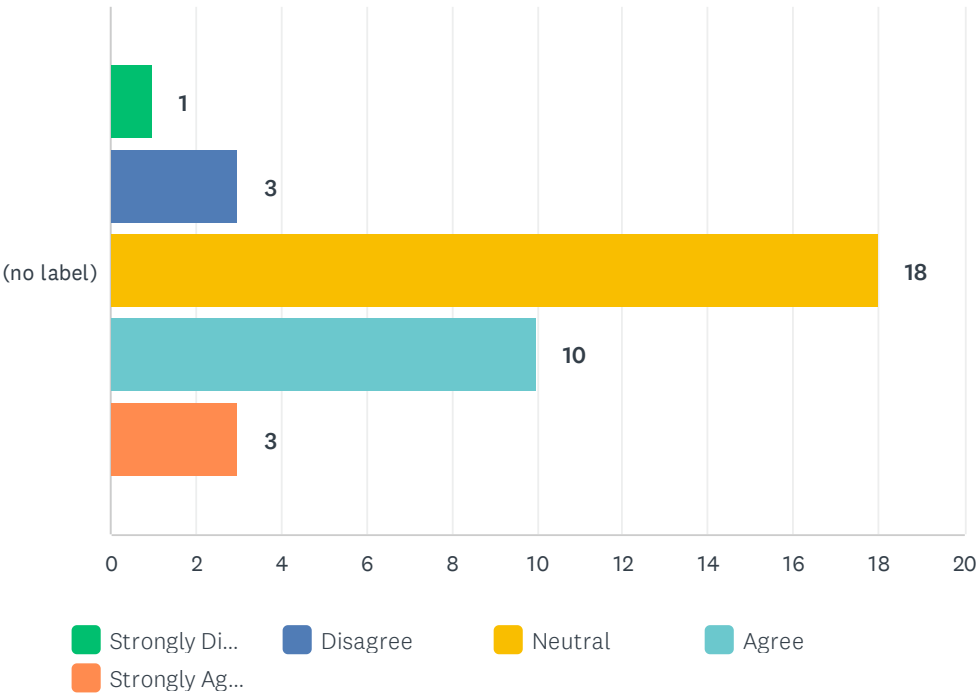
Answered: 35 Skipped: 2



	STRONGLY DISAGREE	DISAGREE	NEUTRAL	AGREE	STRONGLY AGREE	TOTAL	WEIGHTED AVERAGE
(no label)	17.14% 6	20.00% 7	28.57% 10	25.71% 9	8.57% 3	35	2.89

Q11 I have the resources I need to grow my business.

Answered: 35 Skipped: 2



	STRONGLY DISAGREE	DISAGREE	NEUTRAL	AGREE	STRONGLY AGREE	TOTAL	WEIGHTED AVERAGE
(no label)	2.86% 1	8.57% 3	51.43% 18	28.57% 10	8.57% 3	35	3.31

Q12 These are the resources that would help me grow my business.

Answered: 20 Skipped: 17

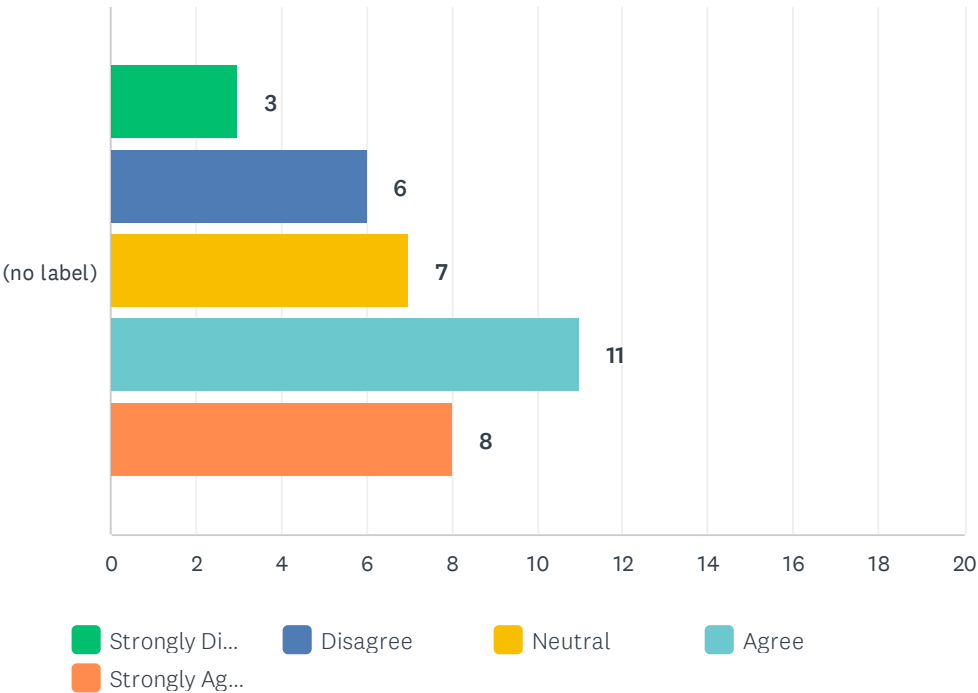
#	RESPONSES	DATE
1	Please add directional signs in the main traffic areas telling customers where store are. After 2.5 years we still have customers saying if it wasn't for your little A frame sign at the corner we wouldn't know you are here. Simple fix but very needed	11/24/2023 9:02 AM
2	More city events encouraging participants to come to shops	11/22/2023 7:23 PM
3	I think we are all doing the best we can possibly do, some things we are excelling in while others, may need more attention. There needs to be major investments of professional proportions allocated to Marketing the Rebirth of Kannapolis' downtown area. Small businesses don't have the resources needed to put into a massive marketing campaign, and if enough citizens don't spend their dollars outside of their county and in Kannapolis, it won't be sustainable. This is a massive project, it will take way more than the local patrons to sustain itself. Maybe there's a marketing campaign I'm not aware of, if so, I would love to see the plan. I do most of my personal shopping in Birkdale and that area is so family friendly, it is also buzzing with foot traffic. An personal friend and owner of a retail store there has shared her numbers with me and it blows me away the difference in the foot traffic there compared to Kannapolis. I think, with the right strategy, Downtown Kannapolis could be just as successful but it has to be more of a team effort than every man to themselves to pull that off. Last time we spoke to city officials, a digital kiosk was to be ordered with interactive capabilities directing and guiding the user through the area. I would love to know the ETA on that. It was said to be happening before Christmas. I have spoke with several business owners here, many of them are struggling to make it month to month. If a committee could be formed that solely takes charge of marketing and curating family friendly events, we would see a massive an increase in foot traffic. The majority of citizens in this part of the state are wanting family friendly events and destinations to create memories with their loved ones. That's why The Village Park can have 100 times the foot traffic as West Ave District and be only blocks apart.	11/22/2023 12:10 AM
4	Our business is struggling this year. Our sales are down around 10% compared to last year.	11/21/2023 11:59 PM
5	We desperately need more restaurants. A high end steakhouse or Italian would be great!	11/20/2023 6:47 AM
6	City employee options to go where they want to workout not just the YMCA	11/19/2023 7:37 PM
7	More off peak season events to draw people into the neighborhood. Our sales take a considerable dip in the 3rd and 4th quarter.	11/18/2023 2:43 PM
8	An enforced Curfew for underage people downtown, there are fights repeatedly downtown and nothing to stop them. Businesses have invested too much for this town to turn into a Concord Mills. Additional Parking. B Street or Cannon Baller Way needs to be reopened for deliveries. Continued Police presence throughout the nights not just till 8pm.	11/17/2023 9:20 AM
9	More advertising for coming to the new downtown area. Finishing the downtown are construction, it deters alot of people.	11/16/2023 12:29 PM
10	Marketing to promote the Businesses downtown and communication from the city to the community on what is occurring.	11/16/2023 11:00 AM
11	I'm not convinced parking has any effect on the productivity or growth of my business. One spot, as promised, should be accessible and free in a convenient and close location for safety and convenience for each business owner.	11/16/2023 10:18 AM
12	For the city to share and promote our events. Sharing our post and letting people know we are here. So many people still are not aware that downtown even exists. I have customers weekly say "I didn't know Kannapolis was even a thing". Also, allowing us to block off road during big events would be so helpful!	11/16/2023 3:54 AM
13	A strong community between West Avenue District, Cannonballers and the city where we could meet and discuss events together!!!	11/15/2023 10:51 PM

Downtown Kannapolis Business Survey

14	Would absolutely love to see the city more involved with us in events and planning.	11/15/2023 9:24 PM
15	Proper and professional correspondence from management staff. Advisement for every event on west ave in a well advanced time. The community does not know about events due to only one posting on social media (not frequent enough)	11/15/2023 8:28 PM
16	Better parking, advertising, events and marketing of our downtown.	11/15/2023 7:11 PM
17	Marketing for downtown businesses other than social media. Events other than drinking events. Maps of businesses on kiosks or directional signs around downtown. A legit website that has information about businesses and digital map for customers! Parking signs.	11/15/2023 6:22 PM
18	Event space availability for smaller gatherings	11/15/2023 5:26 PM
19	Continuing population growth is the Key to retail growth.	11/15/2023 4:50 PM
20	More maps of the downtown area (posted in public areas and handouts to give to customers)	11/15/2023 4:36 PM

Q13 I am heavily reliant on walk-by or drive-by traffic to generate revenue.

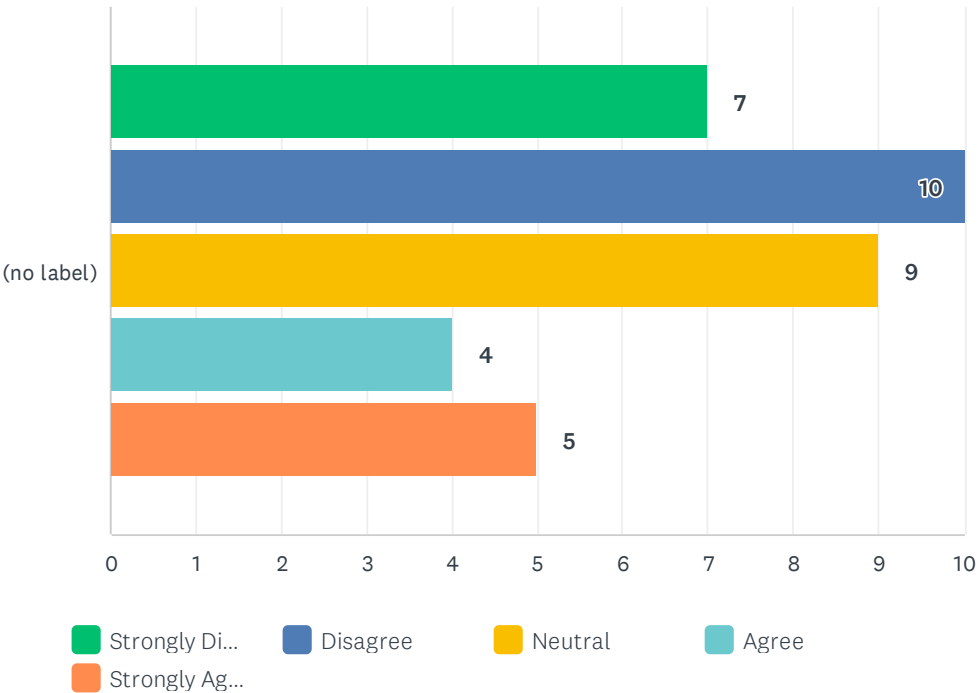
Answered: 35 Skipped: 2



	STRONGLY DISAGREE	DISAGREE	NEUTRAL	AGREE	STRONGLY AGREE	TOTAL	WEIGHTED AVERAGE
(no label)	8.57% 3	17.14% 6	20.00% 7	31.43% 11	22.86% 8	35	3.43

Q14 My business uses online sales to succeed.

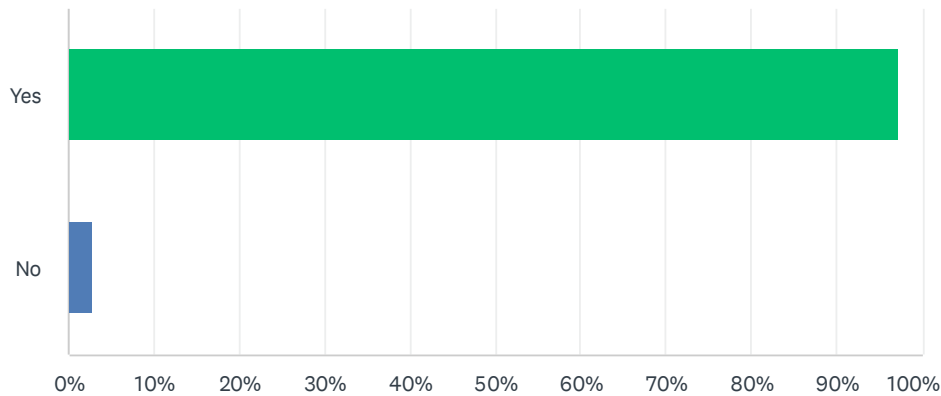
Answered: 35 Skipped: 2



	STRONGLY DISAGREE	DISAGREE	NEUTRAL	AGREE	STRONGLY AGREE	TOTAL	WEIGHTED AVERAGE
(no label)	20.00% 7	28.57% 10	25.71% 9	11.43% 4	14.29% 5	35	2.71

Q15 I have a website to market my business.

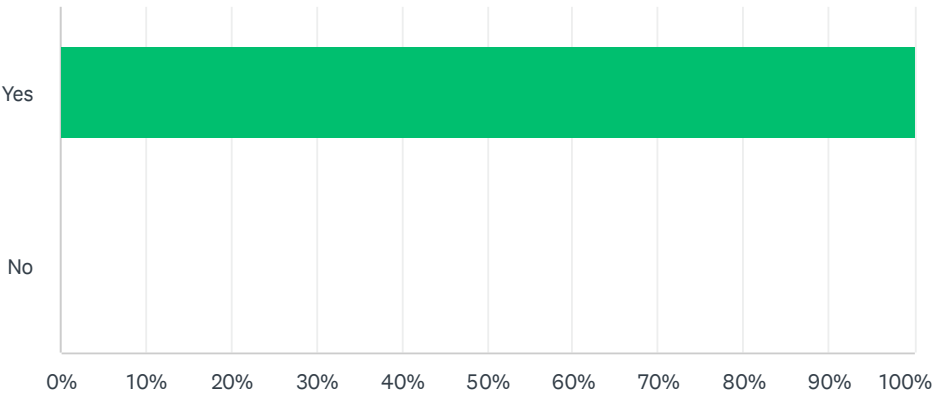
Answered: 35 Skipped: 2



ANSWER CHOICES	RESPONSES	
Yes	97.14%	34
No	2.86%	1
TOTAL		35

Q16 I have a presence on social media to market my business.

Answered: 35 Skipped: 2



ANSWER CHOICES	RESPONSES	
Yes	100.00%	35
No	0.00%	0
TOTAL		35

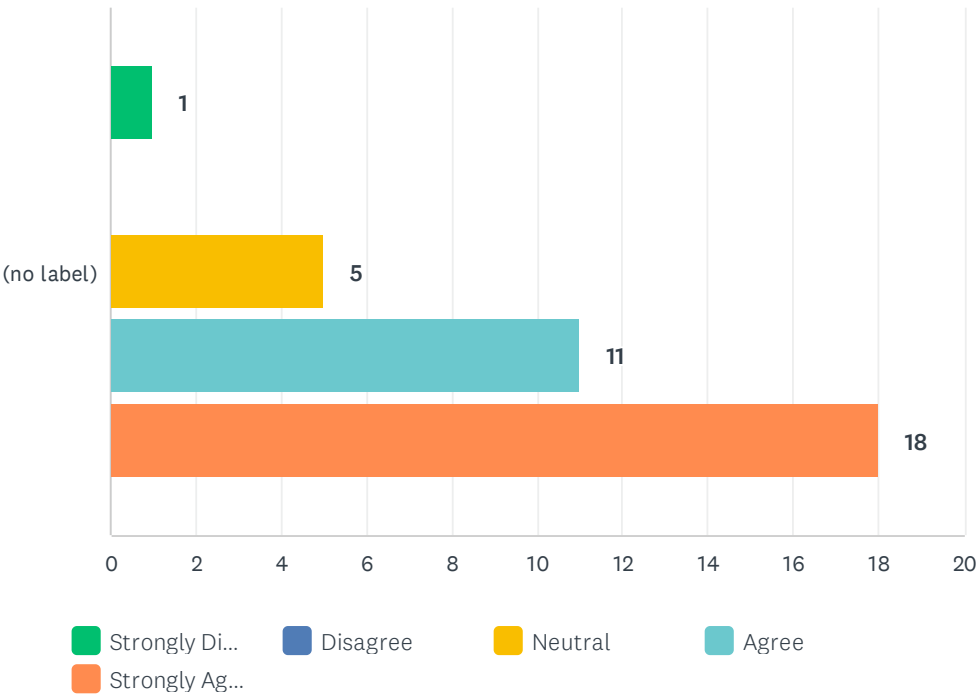
Q17 Other tools I use to market my business:

Answered: 17 Skipped: 20

#	RESPONSES	DATE
1	Networking and local publications	11/24/2023 9:05 AM
2	Pop Up Events Social media marketing Public Advertising Collaborating with like minded businesses in surrounding areas Contracted with an algorithm engineer Participate in Chamber of Commerce Networking Sponsor Charitable Events Customer reviews Word of mouth Support Local foundations and contribute to local fundraisers Support Local schools	11/22/2023 12:15 AM
3	We have tried radio, direct mailing, billboard at the stadium, sponsoring local events, as well as social media to market our business.	11/22/2023 12:05 AM
4	Flyers, mailings - grass roots	11/19/2023 7:40 PM
5	local publications, newspaper, geofencing, seo for the 3-4 surrounding counties	11/16/2023 12:30 PM
6	Radio, TV, Billboards	11/16/2023 11:03 AM
7	Local life magazine and people sharing my post!	11/16/2023 3:57 AM
8	Newsletter, flyers, merchandise	11/15/2023 11:26 PM
9	Samples, cards with discounts and free items every now and then.	11/15/2023 10:53 PM
10	We do a lot of events within our space. Sometimes some outside markets.	11/15/2023 9:27 PM
11	Word of mouth and Google adwords	11/15/2023 7:15 PM
12	We use every opportunity we have to market our businesses - events, fashion shows, silent auctions, local magazines, social media, apps.	11/15/2023 6:26 PM
13	Email list	11/15/2023 5:27 PM
14	Word of mouth is the most effective advertising.	11/15/2023 4:52 PM
15	Google Ads and Pointy	11/15/2023 4:50 PM
16	Word of mouth, donations etc.	11/15/2023 4:46 PM
17	Billboards	11/15/2023 4:38 PM

Q18 It would be helpful to have a centralized website with an online calendar and directory of businesses to promote downtown Kannapolis and its events.

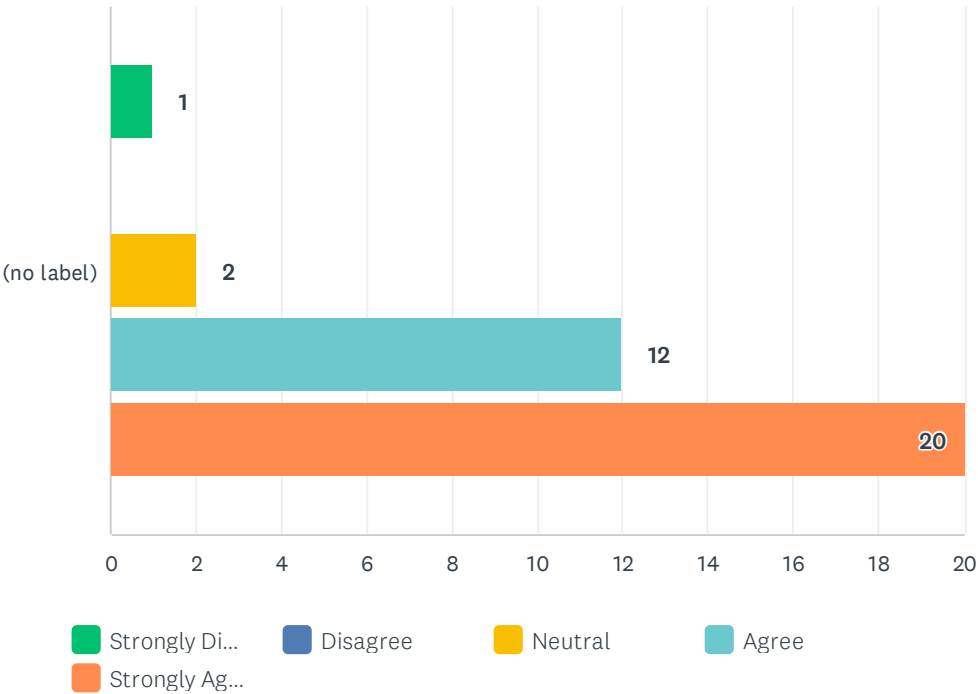
Answered: 35 Skipped: 2



	STRONGLY DISAGREE	DISAGREE	NEUTRAL	AGREE	STRONGLY AGREE	TOTAL	WEIGHTED AVERAGE
(no label)	2.86% 1	0.00% 0	14.29% 5	31.43% 11	51.43% 18	35	4.29

Q19 It would be helpful to have an email newsletter to promote downtown Kannapolis that would go to the general public.

Answered: 35 Skipped: 2



	STRONGLY DISAGREE	DISAGREE	NEUTRAL	AGREE	STRONGLY AGREE	TOTAL	WEIGHTED AVERAGE
(no label)	2.86% 1	0.00% 0	5.71% 2	34.29% 12	57.14% 20	35	4.43

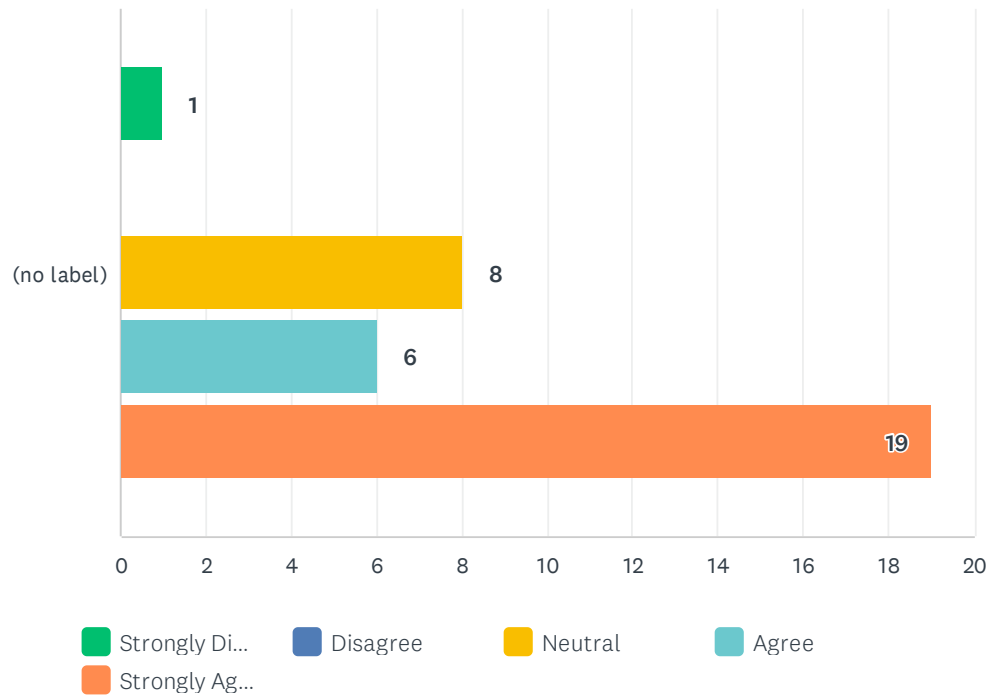
Q20 I would like to see these types of marketing for downtown:

Answered: 16 Skipped: 21

#	RESPONSES	DATE
1	More collaboration of events that draw people into the neighborhood between the city and local businesses. More Chamber of Commerce support that warrants membership costs that create more business in our area.	11/24/2023 9:05 AM
2	Local and tri county adds, regional and state public advertisement we are also a destination location, give a portion of those tourism grants the city has received to the local business that took the risk and jumped head first into this dream before it was established so they can invest more heavily to their target market.	11/22/2023 12:15 AM
3	I would like the see the city and downtown collaborate on events, rather than doing events independently. For instance, for Halloween, downtown businesses were encouraged to participate in the Jeeps for Treats event and the city had Sweet Street separately. It seems like it would be beneficial for both groups to organize one event.	11/22/2023 12:05 AM
4	We would love some sort of common calendar of all events in the area - it would help us considerably.	11/18/2023 2:44 PM
5	TV, Radio, Social Media ads to highlight Kannapolis Downtown, not just the Ball Park. Highlight small businesses and their accomplishments, many businesses in downtown Kannapolis have won awards for Best of Greater Cabarrus County.	11/17/2023 9:23 AM
6	Billboards	11/16/2023 12:30 PM
7	Billboards on I85, Radio Adds about West Avenue, Partnership marketing between the city and West Ave Small businesses	11/16/2023 11:03 AM
8	Working together on sharing events and just an overall experience for customers. Detailed post and constant sharing of all of downtown stores. We try to have events monthly to draw customers in and promoting our businesses would be a huge help!	11/16/2023 3:57 AM
9	The above, numbers 18 and 19. A couple of signs pointing people to the different stores.	11/15/2023 10:53 PM
10	Signs/maps. Promoting our area on social media and newsletters would be amazing. Love the website also! I think a lot of our customers feel some confusion on the city versus west avenue district versus cannon ballers - maybe some unification	11/15/2023 9:27 PM
11	Social media is lacking for major events, needs to be more frequent postings and planned in with enough time.	11/15/2023 8:29 PM
12	A website and newsletter would be incredible! Consistency and a non-biased social media presence would be great as well.	11/15/2023 7:15 PM
13	A well maintained website where we can share individual sales/promos/events. Billboards. Maps. Collective advertising as downtown Kannapolis. Partnering with city and ballpark on events instead of competing for their attendees.	11/15/2023 6:26 PM
14	Interstate signs directing traffic to the downtown.	11/15/2023 4:52 PM
15	Directional maps and LESS "sandwich boards" - rotating advertisements during bases all games maybe...	11/15/2023 4:46 PM
16	Both items mentioned above would help a lot, maps and physical directories would help new customers find us as well.	11/15/2023 4:38 PM

Q21 I would like to see more events & festivals in downtown Kannapolis.

Answered: 34 Skipped: 3



	STRONGLY DISAGREE	DISAGREE	NEUTRAL	AGREE	STRONGLY AGREE	TOTAL	WEIGHTED AVERAGE
(no label)	2.94%	0.00%	23.53%	17.65%	55.88%	34	4.24
	1	0	8	6	19		

#	SUGGESTED EVENTS/FESTIVALS	DATE
1	I'd like to see WAD and the city work more closely together. It's overwhelming when businesses do their own thing- Smaller events that don't include everyone	11/26/2023 10:12 AM
2	Closing down streets -including Main Street-for large events	11/22/2023 7:25 PM
3	YES! PLEASE! BUT!!!! They have to be planned far enough in advance that the local business owners have time to budget, prepare, and execute their involvement.	11/22/2023 12:21 AM
4	Maybe not more events, but collaboration of existing events.	11/22/2023 12:13 AM
5	International festival or Parades	11/20/2023 5:20 PM
6	events and festivals are always our peak days	11/18/2023 2:48 PM
7	St. Paddy's day parade. Winter Wonderland in downtown that people can drive through. People are leaving our city to go to Concord and other places for something we could easily have here. More support for established events that private businesses have been putting on and bringing in thousands of people. 4th of July Parade.	11/17/2023 9:29 AM
8	More bigger names artists at the Swanee, food truck festival, small carnival, bar crawls for some festivals, more craft vendor fares, more concerts at cannonballers	11/16/2023 1:18 PM
9	Seems like we do something al of the time. It is difficult to devote that much time constantly and also constant donations to everyones special event. I think the general public is no longer wowed by constant events. We need to make downtown special on an everyday kinda level.	11/16/2023 12:35 PM

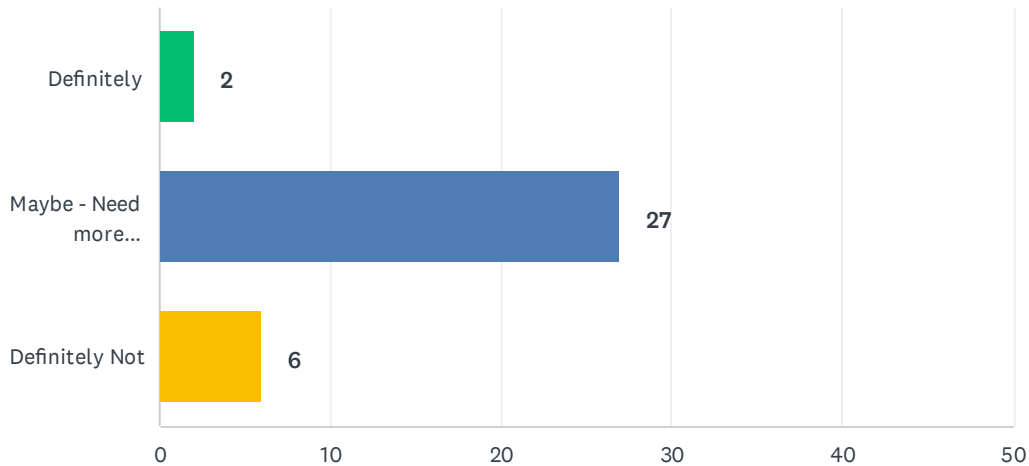
Downtown Kannapolis Business Survey

You can only run so many sales and promotions and special look at me events before they are not special and they themselves become the norm lowering attendance.

10	St Paddy's Day Parade, Christmas Market, 4th of July Parade, Vendor and Farmers Market on West Ave and not on a Thursday.	11/16/2023 11:09 AM
11	Something similar to wine about winter that Salisbury does. Lexington BBQ festival.	11/16/2023 4:02 AM
12	Tree lighting in downtown. Fall festival, spring time festival to get us so excited for Jiggy with the piggy!!!! Some sort of notice about Jiggy given to all of the downtown business early.	11/15/2023 10:57 PM
13	I love events. A monthly shopping night (food trucks would be great). People love those evening events. Or even a monthly Saturday event.	11/15/2023 9:33 PM
14	I would love to see Jiggy expand to the downtown streets, the monthly art festivals, Dale Day etc	11/15/2023 7:19 PM
15	Bell game events, holiday events, kids summer events, dog events, sporting events, concerts, anything will help!!!	11/15/2023 6:28 PM
16	More events targeted to West Ave.	11/15/2023 4:55 PM
17	Outdoor concert series, I've considered sponsoring this type of event in downtown.	11/15/2023 4:42 PM

Q23 Many downtowns have a fee-based organization with a fee that is used to pay for marketing, promotions and events, etc. to support downtown business growth. Would you support a fee for this collective purpose?

Answered: 35 Skipped: 2



ANSWER CHOICES	RESPONSES	
Definitely	5.71%	2
Maybe - Need more information	77.14%	27
Definitely Not	17.14%	6
TOTAL		35

#	OTHER COMMENTS:	DATE
1	An association yes, but don't agree that we should pay a fee.	11/26/2023 10:12 AM
2	There would definitely need to be a return on this investment	11/24/2023 9:07 AM
3	I'd be careful of asking people too early to do that. I think some much needed ROI should be provided by way of increased foot traffic before anymore financial investment is requested.	11/22/2023 12:21 AM
4	It would be difficult for me to take on another expense at this time. But I would consider it if the cost was not prohibitive.	11/22/2023 12:13 AM
5	i feel like most of the businesses here are paying a considerable amount in CAM and we're not really sure what's that is going toward.	11/18/2023 2:48 PM
6	Cut the free concerts and put that money into supporting the downtown instead of drawing people away. Also utalize taxes.	11/17/2023 9:29 AM
7	depends on cost, agenda, and business requirements.	11/16/2023 12:35 PM
8	Events in conjunction with the ball park and/or city.	11/15/2023 10:57 PM
9	Absolutely definitely interested, but would need cost, etc	11/15/2023 9:33 PM

Q24 Are there any suggested improvements in the downtown area that could positively impact your business?

Answered: 21 Skipped: 16

#	RESPONSES	DATE
1	Directional signs/ crosswalk on side of West A St where my biz is located. I watch people walk right by everyday bc that's the side the crosswalk is on	11/26/2023 10:12 AM
2	Directional signage	11/24/2023 9:07 AM
3	Street Directory/business map	11/23/2023 9:25 PM
4	Finishing parklets on Main street	11/22/2023 7:25 PM
5	Parking is my main concern at the moment. If it's not easily accessible to get in and out of my business, customers will not come.	11/22/2023 5:19 PM
6	more family friendly atmosphere. What's the vision for this project? As a business owner, my main goal is to provide my customers with an unforgettable experience, one that lingers in their mind until they come back to my business for their next experience. Growing up in a small town and moving to this area was a HUGE step for me. Knapolis is expanding and in a very unique way, history can repeat itself here or be rewritten. It has knew and exciting elements but it also has this character that draws people in and takes them back to a time when life was less complicated and more simplistic. Invoking old memories and encouraging them to make new ones. It a place where you can quite literally "have your cake and eat it too"!	11/22/2023 12:21 AM
7	Signage for business locations Anything that encourages people to walk on Main St in addition to walking on West Ave.	11/22/2023 12:13 AM
8	More restaurants!!!!!!!	11/20/2023 6:48 AM
9	Seating on Main Street, flowers, lights & music to create an inviting space to be. Restaurant options	11/19/2023 7:42 PM
10	More Parking. More police for safer presence. Open up Cannon Baller Way to help traffic.	11/17/2023 9:29 AM
11	Make businesses stay open past 6pm.	11/16/2023 6:11 PM
12	Finish building, add the parking.	11/16/2023 12:35 PM
13	Additional Parking Structure, Curfew at a certain time through the year. We are starting to see more and more problems with teens downtown.	11/16/2023 11:09 AM
14	More police presence. Directional signs/map for customers. Maybe a QR code to scan for easy access. Seasonal decorations to help bring us all together.	11/16/2023 4:02 AM
15	Above	11/15/2023 10:57 PM
16	All of the above is some of the strongest points.	11/15/2023 9:33 PM
17	Cleaning the wall ways more. Ever since boba tea has been downtown the side walks are full of spilled, hard, sticky boba tea cups that never get cleaned. Pressure washed sidewalks would be better.	11/15/2023 8:33 PM
18	Our town has so much potential that I feel is wasted. I think you are headed in the right direction with the projected changes that can improve our downtown.	11/15/2023 7:19 PM
19	Maps, directional signs, kiosks.	11/15/2023 6:28 PM
20	frequency promotion	11/15/2023 4:55 PM
21	Maps and signage are something I think my business in particular could benefit from. I feel that many of the businesses not located on the West Ave. strip can easily get overlooked.	11/15/2023 4:42 PM

Q25 Additional Comments?

Answered: 7 Skipped: 30

#	RESPONSES	DATE
1	There are many things that need to happen. Just because the developers of WAD are capable of buying buildings, etc... does not mean they should also manage them.	11/26/2023 10:12 AM
2	I know my comments may seem rather hard to swallow, I do love Kannapolis so much! I want to see this dream through to completion, and my rather candid approach, I hope, come across as genuine transparency that I have the good of this city and it's amazing people at heart.	11/22/2023 12:21 AM
3	Not sure if this is the right place for this comment, but we pay a pretty high Common Area Maintenance fee every month as a business and we are not sure what this money is used for. Our windows have been washed once, that I'm aware of, since we have been open, but I'm not aware of any other 'maintenance' that has occurred.	11/22/2023 12:13 AM
4	I am not trying to be negative, just objective. Being in on the early stages of things is always messy and a growing, learning ever changing thing. Downtown is off to a great start, it has lost that new appeal, now we need to make sure it has that wow appeal daily. The northern Birkdale, a place to be!	11/16/2023 12:35 PM
5	Working with all businesses and the West Ave District to promote and help bring in more customers. Monthly events and help coordinate them.	11/16/2023 4:02 AM
6	The slab pavement in front of the barber shop where people sit and it drops to the slanted side walk. People face plant all the time because of lack of awareness from the drop off multiple times a week.	11/15/2023 8:33 PM
7	Thank you for taking the time to listen to what we need.	11/15/2023 6:28 PM