



**CITY COUNCIL
ACTION AGENDA
BUSINESS MEETING
KANNAPOLIS CITY HALL
401 LAUREATE WAY, KANNAPOLIS, NC
AUGUST 26, 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

COMMUNITY ORGANIZATION AND CITY DEPARTMENT SPOTLIGHT

- A. City Department Spotlight: Finance Department (Brian Roberts, Finance Director)

RECOGNITIONS

- A. **VOLUNTEER AWARD** - Mrs. Ruby Wagoner (Darrell Hinnant, Mayor)
B. **POLICE OFFICERS** - Ceremonial swearing in of new officers (Terry Spry, Chief of Police)
C. **PRESENTATION** - Kannapolis' 40th Year Anniversary Christmas Ornament (Irene Wong, Economic & Community Development Director)

ADOPTION OF AGENDA - Motion to Adopt Agenda or make revisions

CONSENT AGENDA - Motion to Adopt Consent Agenda or make revisions

- A. **RESOLUTION** - Intent to consider withdrawal from dedication a portion of right-of-way known as Goble Street. **APPROVED** (Richard Smith, Planning Director)
B. **RESOLUTION** - Support for Lighting at the I-85 interchange at Kannapolis Parkway/George Liles Parkway. **APPROVED** (Wilmer Melton, Assistant City Manager)
C. **MEETING MINUTES** - August 12, 2024 Work Session **APPROVED** (Bridgette Bell, City Clerk)
D. **MEETING MINUTES** - Closed Session August 12, 2024 **APPROVED** (Bridgette Bell, City Clerk)

BUSINESS AGENDA

- A. **PUBLIC HEARING - DA-2024-05** - Cambridge Kannapolis, LLC (Cannon Village

Shopping Center) - Conduct a Public Hearing and approve a Resolution approving the Ordinance for the execution of the Development Agreement. **APPROVED** (Richard Smith, Planning Director)

- B. **BUDGET AMENDMENT #25-08** - Appropriating Cash Reserves for Upfits at Public Works Operations Center **APPROVED** (Mike Legg, City Manager, Brian Roberts, Finance Director, Kristin Jones, Assistant to the City Manager)
- C. **BUDGET AMENDMENT #25-07** - Appropriating Cash Reserves for Initial Planning and Design for the Eastside Park. **APPROVED** (Mike Legg, City Manager, Brian Roberts, Finance Director, Kristin Jones, Assistant to the City Manager)
- D. **BUDGET AMENDMENT # 25-06** - Appropriating Cash Reserves for Initial Planning and Design Concepts for the Revitalization of Midway . **TABLED TO SEPTEMBER 9, 2024** (Mike Legg, City Manager, Brian Roberts, Finance Director, Kristin Jones, Assistant to the City Manager)

CITY MANAGER REPORT

CITY COUNCIL COMMENTS

SPEAKERS FROM THE FLOOR

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

MOTION TO ADJOURN

ADA Notice and Hearing Impaired Provisions

In accordance with requirements of Title II of the Americans w/ Disabilities Act of 1990 ("ADA"),if you require auxiliary aid/service for communication,or a modification of policies/procedures to participate in a program, service/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 48 hours before.

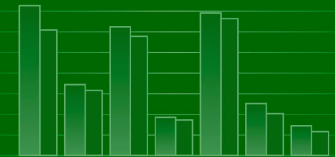


Finance Department

Council Presentation

August 26, 2024

kannapolisnc.gov





Finance Department

The Finance Department is charged with the responsibility of administering the City's financial affairs in compliance with all State and Federal laws and reporting requirements and is dedicated to doing so with credibility and in a manner worthy of distinction and excellence.





Finance Department

- The most important annual report is the audit.
- North Carolina General Statute 159-34 requires each unit of local government and public authority to have its accounts audited each fiscal year and to submit a copy of the audit report to the Secretary of the Local Government Commission (LGC).
- The audit is important because of its impact on various external needs such as grants, debt issuances and credit ratings, peer comparisons, and transparency for citizens.
- Audit fieldwork for FY24 commenced today.



Finance Department

- The City has received the Certificate of Achievement for Excellence from the Government Finance Officers Association (GFOA) since 1991.
- Results are pending for the FY23 audit report.
- The FY24 audit report will be submitted for the award once it is completed.



Government Finance Officers Association

Certificate of
Achievement
for Excellence
in Financial
Reporting

Presented to

**City of Kannapolis
North Carolina**



Finance Department

- Recurring Finance Outputs Include:
 - Accounts Payable including EFTs, checks, wires, and drafts
 - Payroll
 - Processing and recording daily transactions originating in other departments from multiple processors City wide
 - Bank and General Ledger accounts reconciliations



Finance Department

- The Department Reports to the Assistant City Manager
- Size
 - 8 Full Time Staff, 1 Part-Time Staff (new for FY25)
 - 1 Fellow with the Lead for North Carolina (LFNC) program
- Scope
 - FY25 Budget \$1,508,304.00
 - 1.8% of the FY25 Adopted General Fund Budget
 - 1.1% of the FY25 Total Adopted City Budget



Finance Department

- Workload Measures during FY23*
 - Payroll Remittances Processed: 12,297
 - Accounts Payable and EFTs issued: 3,204
 - Number of contracts issued: 50
 - Number of purchase order processed: 700
 - Miscellaneous Payrolls Processed: 508
 - Number of P-Card Transactions Reconciled: 10,249

*FY23 measures reported due to FY24 audit is ongoing

Finance Department

- Staffing in the department includes:
 - Deputy Finance Director, Suzanne Burgess
 - Joined the City in May 2024 with local government experience since 1997
 - NC Certified Local Government Finance Officer
 - Essential Duties
 - Managing annual financial audit process
 - Recording property and sales taxes
 - State and Federal Submissions
 - Maintaining Fixed Assets
 - Maintaining Lease and Subscription activities



Finance Department

- Staffing in the department includes:
 - Accounting Supervisor, Wanda Jones
 - Joined the City originally in April 2000
 - Currently enrolled in the NC Certified Local Government Finance Officer program
 - Essential Duties
 - Supervising the Accountant, Accounts Payable, and Payroll functions and backs up each role
 - Trains new and existing staff on changes in operations
 - Prepares 1099s
 - Account reconciliations
 - Sales tax submissions



Finance Department

- Staffing in the department includes:
 - Senior Accountant, Brenda Lee
 - Rejoined the City in August 2024
 - Nine years' experience in local government
 - Essential Duties
 - Bank reconciliations and leads daily bank processing
 - Utility transaction imports
 - Assists with capital assets
 - Reviews Invoice Cloud transactions
 - Prepares Journal Entries



Finance Department

- Staffing in the department includes:
 - Accountant, Crystal Martin
 - Joined the City in January 2024 with 6 years' private accounting experience and managed private businesses
 - Recently completed courses in Municipal Finance, NCLM Financial Management, and enrolled in an Accounts Receivable Certification Program
 - Essential Duties
 - Communicates with departments to process and posts daily deposits and assists with daily bank duties
 - Accounts Receivable processing
 - Processes utility invoices including Duke Power
 - Serves as backup to Accounts Payable
 - Prepares journal entries



Finance Department

- Staffing in the department includes:
 - Accounting Technician I, Samantha Blocker
 - Joined the City in September 2020 with 3 years' prior local government experience and 27 total years in AP
 - Recently completed courses in Sales and Use Tax, NCLM Financial Management, Fraud, and enrolled in an Accounts Payable Certification Program
 - Essential Duties
 - Processes invoices and prepares payments weekly
 - Maintains Accounts Payable files
 - Prepares monthly fuel distribution entries
 - Prepares annual sales tax refund request
 - Assists with purchasing card reconciliations



Finance Department

- Staffing in the department includes:
 - Purchasing Manager, Renee Butler
 - Joined the City in March 1999 with 9 years' experience previously in Purchasing in the private sector
 - Recently completed the NCLM Financial Management course
 - Essential Duties
 - Maintains and processes all POs and Contracts for the City
 - Provides ongoing training to City staff
 - Administers the City p-card program
 - Conducts or supervises bid processes
 - Advises departments on purchasing specifications





Finance Department

- Staffing in the department includes:
 - Payroll Administrator, Hannah Saunders
 - Joined the City in September 2023 with 7 years' total payroll experience
 - Recently completed the NCLM Financial Management and RCCC Municipal Finance courses and currently enrolled in an Excel course and the Fundamental Payroll Certification Program
 - Essential Duties
 - Maintains the payroll system and employee pay records including processing W2s at year end
 - Reviews timesheets for completeness and accuracy
 - Processes withholdings and deductions
 - Remits payments for retirement programs
 - Trains staff on payroll processes and procedures



Finance Department

- Staffing in the department includes:
 - Lead for North Carolina Fellow, Albaro Reyes-Martinez
 - Joined the City in August 2023 with a Political Science Major and Sociology Minor
 - Recently completed the NCLM Financial Management and attended NCGFOA Spring Conference
 - Essential Duties
 - Assisted with the Finance Revenue Project
 - Internal Controls review
 - Reformatted and gathered information for audit statistics
 - Special projects for the City Manager's Office
 - LFNC program activities



Finance Department

- Staffing in the department includes:
 - Finance Director, Brian Roberts
 - Joined the City in December 2022 with 14 years' total government experience
 - Certified Public Accountant, Certified Fraud Examiner, and NC Certified Local Government Finance Officer
 - Essential Duties
 - Oversees development and preparation of the financials
 - Plans, organizes, and directs activities of the department
 - Advises stakeholders on financial matters
 - Internal controls
 - Cash management





Finance Department

- Special Acknowledgement:
 - Assistant to the City Manager, Kristin Jones
 - Works in tandem with Finance for budgeting, purchase order approvals, system maintenance, and so forth.





Finance Department

"Great things are done by a series of small things brought together."-Vincent Van Gogh





Kannapolis City Council

City Council Agenda Staff Report

August 26, 2024

To: Mayor and City Council
From: Darrell Hinnant, Mayor
Subject: **VOLUNTEER AWARD** - Mrs. Ruby Wagoner

Action Requested by City Council

None. Presentation Only

Required Votes to Pass Required Action

Presentation Only. No Action Required

Background

Mrs. Ruby Wagoner has been selected to receive the City's Outstanding Volunteer Award. Mrs. Wagoner has been greeting patients at the Transitional Health Services ever since her sister was a patient and even after her sister passed on. Ruby is also involved in church and shows a lot of love with her contagious smile, humorous jokes and pleasant conversations. Ruby also worked at Plant 4, Fieldcrest Cannon Mills for many years.

Fiscal Implications

N/A

Policy Issues

N/A

Legal Issues

N/A

Recommendations and Alternate Courses of Action

N/A

Attachments

1. Recognition Ruby Wagoner



Office of the Mayor
KANNAPOLIS, NORTH CAROLINA
Certificate of Recognition Ruby Wagoner

WHEREAS, the City of Kannapolis desires to commend and recognize a citizen who gives of herself, her time, her talent and her efforts to make our community a better place in which to live, and

WHEREAS, Princess Diana once said “Carry out a random act of kindness, with no expectations of reward, safe in the knowledge that one day someone might do the same for you” is especially true for Ruby Wagoner, and

WHEREAS, Ruby Wagoner will be 91 years young this month and never stops in showing people kindness and making them feel special, and

WHEREAS, every Wednesday Ruby visits the Transitional Health Services, where she spends time with every patient on all four floors, enriching the lives of these individuals, not to mention it being very rewarding for Ruby as well, and

WHEREAS, Ruby is an inspiration to others; she not only gives what she has, but she gives all she has.

NOW THEREFORE BE IT RESOLVED THAT I, MILTON D. 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, do hereby recognize and express our gratitude to Ruby Wagoner and urge all citizens to take time to reflect upon her example of the good work that can be accomplished through volunteerism and community pride.



IN WITNESS WHEREOF I have set my hand and caused the Great Seal of the City of Kannapolis to be affixed this 26th day of August 2024.

Milton D. Hinnant



Kannapolis City Council

City Council Agenda Staff Report

August 26, 2024

To: Mayor and City Council
From: Terry Spry, Chief of Police
Subject: **POLICE OFFICERS** - Ceremonial swearing in of new officers

Action Requested by City Council

None

Required Votes to Pass Required Action

Presentation Only. No Action Required

Background

At the City Council meeting, Chief Spry will formally introduce five of the City's newest police officers and to have them ceremonially sworn into office by City Clerk Bridgette Bell.

These officers recently completed Basic Law Enforcement Training. This course includes over 700 hours of training, covering a variety of law enforcement topics and a comprehensive State exam on all topic areas at the conclusion of the course. They are currently going through the Police Department's 21-week Field Training Program and, by all reports, are doing very well.

The following officers and their friends and family members will participate in the swearing-in ceremony:

Matthew Caldwell
Sydney Pike
Denver Scaggs Jr.
Caleb Tate
Bryce Young

Fiscal Implications

N/A

Policy Issues

N/A

Legal Issues

N/A

Recommendations and Alternate Courses of Action

None

Attachments

None



Kannapolis City Council

City Council Agenda Staff Report

August 26, 2024

To: Mayor and City Council
From: Irene Wong, Economic & Community Development Director
Subject: **PRESENTATION** - Kannapolis' 40th Year Anniversary Christmas Ornament

Action Requested by City Council

None, presentation only

Required Votes to Pass Required Action

Presentation Only. No Action Required

Background

Heart Gifts by Teresa is located on S. Main St in Kannapolis and has been in business since 1992. Owner Teresa Thibault has grown her business to employ eight people who custom design and paint unique Christmas ornaments that have been commissioned by places such as the White House, Sea World, NASA, Dollywood, and major retailers across the U.S. In addition to wholesale orders, Heart Gifts also participates in the Southern Christmas Show, displays at the AmericasMart Atlanta, and was featured on ABC News in December 2023 for its Made in America segment. To commemorate the City of Kannapolis' 40th birthday, staff collaborated with Mrs. Thibault to design an ornament. She will present City Council with the ornament at the August 26 meeting.

Fiscal Implications

Policy Issues

Legal Issues

Recommendations and Alternate Courses of Action

Attachments

None



Kannapolis City Council

City Council Agenda Staff Report

August 26, 2024

To: Mayor and City Council
From: Richard Smith, Planning Director
Subject: **RESOLUTION** - Intent to consider withdrawal from dedication a portion of right-of-way known as Goble Street. **APPROVED**

Action Requested by City Council

RESOLUTION - Motion to approve the Resolution stating the intent of the City to consider withdrawal from dedication a portion of Right-of-Way (ROW) known as Goble Street.

Required Votes to Pass Required Action

Majority Present at Meeting

Background

Planning staff received a request from Nathaniel Jordan to close the portion of Goble Street right-of-way (ROW) that directly abuts his property located at 601 E 12th Street, as shown on the submitted preliminary survey map. Mr. Jordan has indicated that he has used and maintained this portion of the ROW for the past thirty (30) years. Generally, when these ROW areas are closed, the properties are equally divided between adjacent property owners. The other property owner in this case, however, has indicated that they do not want the additional property and have deferred their right to this property to Mr. Jordan.

Fiscal Implications

None.

Policy Issues

None.

Legal Issues

None.

Recommendations and Alternate Courses of Action

1. **Approve the Resolution stating the intent of the City to consider withdrawal from dedication a portion of right-of-way known as Goble Street and establish the Public Hearing date for September 23, 2024 (recommended).**
2. Take no action.
3. Table action to a future meeting.

Attachments

1. Petition to close Goble
2. Resloution of Intent closing Goble St
3. Goble St Survey
4. Goble ROW



PETITION FOR STREET OR ALLEY CLOSURE

We, the property owners abutting the alley or street located at (please describe) 511 E 12th St &
601 E 12th St Kannapolis, NC 28081

hereby petition the City of Kannapolis to remove from dedication the right-of-way for the above-mentioned alley or street.

NAME	ADDRESS	PHONE	SIGNATURE
JARED DULLIN	511 E 12th St	704-464-8424	<i>J Dullen</i>

I will be signing my portion of the road over to Mr Jordan so that he will have full ownership of the land

J Dullen

Kethaniel Jordan

*601 East 12th
Kannapolis NC 28081*

*The street close is close
on East 12th*

*704 932-3679
or 704 207-4882*

*Darvin D. Petzel
Notary Public - North Carolina
Rowan County*

5-12-2025

DARVIN D PETHEL
Notary Public - North Carolina
Rowan County
My Commission Expires Apr 28, 2025

RETURN TO: City of Kannapolis
Attn: Anita Thacker, Public Works Dept.
401 Laureate Way
Kannapolis, NC 28081

Revised 04/2019



PETITION FOR STREET OR ALLEY CLOSURE

We, the property owners abutting the alley or street located at (please describe) _____

hereby petition the City of Kannapolis to remove from dedication the right-of-way for the above-mentioned alley or street.

NAME

ADDRESS

PHONE

SIGNATURE

Russell J. Davis

600 E 13th St

704 931 1578

Shelia Rivera

~~508~~ 508 E 13th St

(704 680 2592)

(mother) Davis Thomas

704 680 2593

RETURN TO: City of Kannapolis
Attn: Anita Thacker, Public Works Dept.
401 Laureate Way
Kannapolis, NC 28081

Revised 04/2019

Page 276

TO BE SOLD AT AUCTION
BY
PENNY BROS.



MAP OF THE
H.O. ARCHER ADDITION
TO NORTH KANAWAPOLIS N.C.
ROWAN COUNTY, NC.
Developed by Penny Bros. Realty Co.
Charlotte, NC.
Surveyed by J.D. Justice Co. Surveyor
April 1935
1 inch = 200 Ft.

This Map Has Been Reduced 30%

**A RESOLUTION
STATING THE INTENT OF THE CITY OF KANNAPOLIS TO CONSIDER CLOSING
A PORTION OF GOBLE AVENUE AS DESCRIBED HEREIN AND FIXING THE
DATE OF PUBLIC HEARING ON THE QUESTION OF SUCH CLOSING**

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

Section 1. That it is the intent of City Council of the City of Kannapolis to consider closing of a portion of the following described Public Street or alley pursuant to Section 160A-299 of the General Statutes of North Carolina.

Lying and being in China Grove Township, Rowan County, North Carolina and being a portion of undeveloped right-of-way of Goble Street located on the north side of East 12th Street within the City of Kannapolis and being more particularly described as follows:

BEGINNING at a calculated point being the southwesterly corner of Nathaniel Jordan and wife Ruth Bost Jordan property (Parcel identification: 150-044, Deed Book 1301 page 951) also, being the intersection of the northern right-of-way of East 12th Street (formerly Eastview Street) and the southeasterly right-of-way of Goble Street, as shown on Book of Maps 9995, page 276, said point being located N 86 54'00" W a distance of 149.96 feet from an existing 1" iron on the northern right-of-way of East 12th Street, corner of Lots 17 & 18; thence, a new line with the northern right-of-way of East 12th Street, N 86 54'00" W a distance of 34.58 feet to an existing ½" iron rod, said rod marking the southeast corner of the Bent Oaks, LLC (Parcel identification: 150-045A, Deed Book 1440, page 320) said iron being the intersection of the northern right-of-way of East 12th Street and southwesterly right-of-way of Goble Street, said rod being S 86 41'17" E a distance of 50.03 feet from an existing ½" iron rod corner of Lots 11 & 12; thence, along the undeveloped right-of-way of Goble Street and with Bent Oaks, LLC, N 05 11'14" E a distance of 150.06 feet to an existing ¾" iron pipe; thence, with a new line crossing undeveloped right-of-way of Goble Street, S 85 52'08" E a distance of 34.92 feet to an existing ½" iron rod, said rod marking the northwesterly corner of Nathaniel Jordan and wife Ruth Bost Jordan property; thence with the undeveloped right-of-way of Goble Street and the Jordan property S 05 19'29" W (passing a 5/8" bent iron rod at 147.66 feet) for a total distance of 149.45 feet, to the **point of BEGINNING**, having an area of 5201.56 square feet, 0.12 acres more or less, according to map and survey by Matthew M. Cunningham PLS, of Cunningham Land Surveying, PLLC dated August 15, 2024 (job number 2024-13 Street Closing) to which map and survey reference is hereby made and a copy of which is attached hereto and incorporated herein by reference.

Section 2. That a public hearing on the question of such closing the above described right-of-way will be held at 401 Laureate Way, Kannapolis, North Carolina, at 6:00 o'clock p.m., on the 23rd day of September, 2024 at which time plans for such closing will be explained and all persons will be given an opportunity to be heard.

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

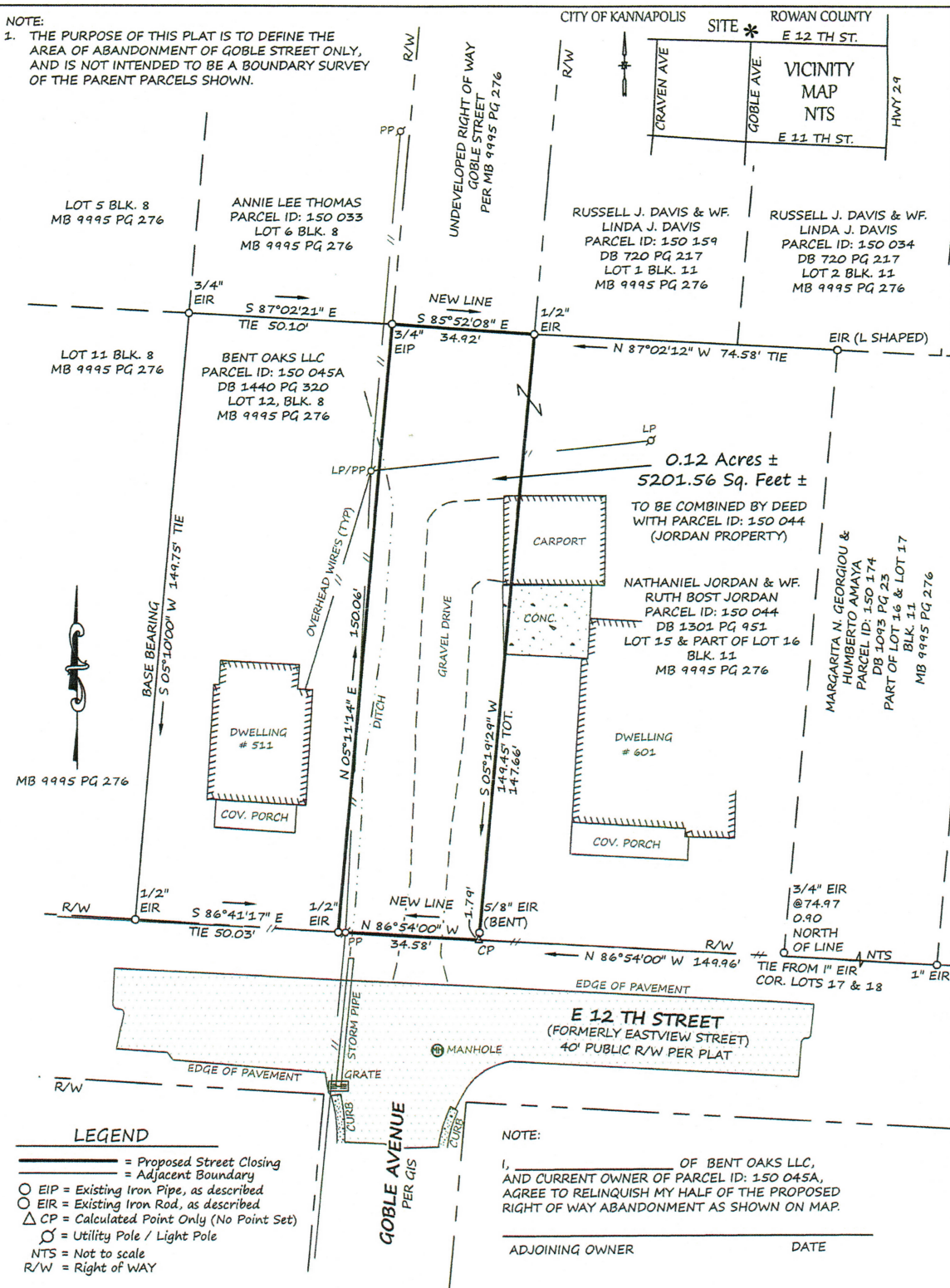
Adopted this 26th day of August 2024

Milton D. Hinnant, Mayor
City of Kannapolis

Bridgette Bell, MMC, NCCMC
City Clerk

NOTE:

1. THE PURPOSE OF THIS PLAT IS TO DEFINE THE AREA OF ABANDONMENT OF GOBLE STREET ONLY, AND IS NOT INTENDED TO BE A BOUNDARY SURVEY OF THE PARENT PARCELS SHOWN.



I, MATTHEW M. CUNNINGHAM, PLS. HEREBY CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE BY ME; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND AS NOTED; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:15,000+; ACCORDING TO G.S. 47-30 (F)(11-M) THIS MAP IS AN ATTACHMENT FOR ILLUSTRATIVE PURPOSES ONLY. WITNESS MY HAND AND SEAL THIS 25th DAY OF JULY, 2024.

Professional Land Surveyor L-4393

Cunningham
Land Surveying, PLLC

Firm No. P-2321 NC PLS L-4393
14050 Culp Road, Gold Hill,
NC 28071 704-467-2296

PRELIMINARY MAP
NOT TO BE USED FOR
SALES, CONVEYANCE OR
RECORDATION

Exhibit Map
Proposed Street Right of Way Abandonment
Portion of Goble Street
Map Book 9995 Page 276, H. O. Archer Addition
City of Kannapolis
China Grove Twp, Rowan Co., NC
Field Survey Date: July 24, 2024
Map Prepared: July 25, 2024

Scale : 1" = 30' Job # 2024-13 Street Closing
30' 15' 0' 30' 60'





Kannapolis City Council

City Council Agenda Staff Report

August 26, 2024

To: Mayor and City Council
From: Wilmer Melton, Assistant City Manager
Subject: **RESOLUTION** - Support for Lighting at the I-85 interchange at Kannapolis Parkway/George Liles Parkway. **APPROVED**

Action Requested by City Council

Motion to approve the Resolution in support of North Carolina Department of Transportation Project for Roadway Lighting at the I85 and Kannapolis Parkway/George W. Liles Parkway Interchange

Required Votes to Pass Required Action

Majority Present at Meeting

Background

The City of Kannapolis is working with both the City of Concord and the North Carolina Department of Transportation (NCDOT), in collaboration with CRMPO, to secure a Spot Safety funding match to install lighting at the Interstate 85 (I85) and Kannapolis Parkway/George W Liles Parkway interchange. This project is estimated to cost approximately \$1 million with the match requiring at least \$200,000.00 in non-federal funds split between NCDOT, Concord and Kannapolis. The City's portion of the non-federal funds will be approximately \$67,000.00 and supports our intent to improve lighting along Kannapolis Parkway.

This is the only interchange located along the City's I-85 corridor that is not illuminated.

Fiscal Implications

This Resolution obligates any future payments should the Spot Safety funds be awarded for this project. The City's portion of the project is \$67,000 and funded from the Kannapolis Parkway lighting project budget.

Policy Issues

Approval by City Council is required for submission of the Spot Safety funds.

Legal Issues

None

Recommendations and Alternate Courses of Action

1. **Approve the Resolution Supporting the NCDOT Project for Roadway Lighting at the I-85 and Kannapolis Parkway/George W. Liles Parkway Interchange (Recommended).**
2. Take no action.
3. Table to a future meeting.

Attachments

1. Resolution for I-85 and Kannapolis Pkwy - George W Liles Pkwy

**RESOLUTION IN SUPPORT OF
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
PROJECT FOR ROADWAY LIGHTING AT THE I-85 AND KANNAPOLIS
PARKWAY/GEORGE W LILES PARKWAY INTERCHANGE**

WHEREAS, the North Carolina Department of Transportation (hereinafter "NCDOT") is proposing to modify the Interstate 85 ("I85") and Kannapolis Parkway/George W Liles Parkway interchange to install roadway lighting (hereinafter referred to as the "Project"); and

WHEREAS, Spot Safety funds will be requested for this Project; and

WHEREAS, NCDOT is asking for local municipal support of this project and a commitment to provide some funding for the project before Spot Safety funds will be committed; and

WHEREAS, NCDOT has notified the City of Kannapolis (hereinafter the 'City') of the Project, and has requested that the City submit a resolution expressing its views on the same; and

WHEREAS, the City, acting through its City Council in regular session assembled on the 26th day of August 2024, has expressed its support of and commitment of funds towards the Project and has voted to adopt this Resolution evidencing the same, all in compliance with the requirements of NCGS. §136-11.1;

NOW, THEREFORE, BE IT RESOLVED, that City Council does hereby express its support of the Project as set forth hereinabove.

BE IT FURTHER RESOLVED that City Council authorizes its Mayor and the Clerk to Council to sign this Resolution and attach the City seal thereto, and to forward a copy of the same to NCDOT.

Adopted this 26th day of August 2024, by the City of Kannapolis City Council.

Milton D. Hinnant, Mayor
City of Kannapolis

Bridgette Bell, MMC, NCCMC
City Clerk



Kannapolis City Council

City Council Agenda Staff Report

August 26, 2024

To: Mayor and City Council
From: Bridgette Bell, City Clerk
Subject: **MEETING MINUTES - August 12, 2024 Work Session APPROVED**

Action Requested by City Council

Motion to approve the minutes from the August 12, 2024 Work Session.

Required Votes to Pass Required Action

Majority Present at Meeting

Background

Motion to approve the minutes from the August 12, 2024 Work Session.

Fiscal Implications

None.

Policy Issues

None.

Legal Issues

None.

Recommendations and Alternate Courses of Action

1. Motion to approve the minutes from the August 12, 2024 Work Session.
2. Table to a future meeting.

Attachments

1. 08-12-2024 WorkSession FINAL

**CITY OF KANNAPOLIS
CITY COUNCIL MEETING
WORK SESSION MINUTES
August 12, 2024**

A regular work session meeting of the City Council of the City of Kannapolis was held on Monday, August 12, 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
Dianne Berry
Doug Wilson
Ryan Dayvault

Council Members Absent: Tom Kincaid

City Manager: Mike Legg

Deputy City Manager: Eddie Smith

Assistant City Manager: Wilmer Melton

City Clerk: Bridgette Bell

City Attorney: Walter M. Safrit

Staff Present:	Irene Wong	Annette Privette Keller
	Alex Anderson	Leo Pope
	Heather James	Daniel Jenkins
	Greg Summitt	Pam Scaggs
	Richard Smith	Tracy Winecoff
	Kathryn Stapleton	Laura Coppola
	TJ Cook	Albaro Reyes
	Daniel Jenkins	Brian Roberts
	Suzanne Burgess	Sherry Gordon
	Gerald Faulkner	Kirk Beard
	Oscar Hopkins	Gary Mills
	Michael Rattler	Jerome Blakney
	Josh Campbell	Tony Cline
	Elizabeth McCarty	Gabriela Burwell
	Ben Barcroft	Mia Alvarez
Others Present:	Joe Hatley	Verna Witherspoon

Daniel Reyes
Sophia Wilkerson
Amanda Basinger
Tracy Caskey
Pam Smith

Ashley Vega
Lynnease Armstrong
Mark Spitzer
Amelia Caskey

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 Mayor Pro tem Wilson offered the Pledge of Allegiance.

CITY DEPARTMENT SPOTLIGHT-

City Department Spotlight - Planning Department, Planning & Zoning Commission and Board of Adjustment (Richard Smith, Planning Director) (Copy included as Exhibit A)

Mr. Smith introduced staff members of the Planning Department and provided a power point presentation. The City of Kannapolis Planning Department is responsible for the review of all land development applications as well as the administration and enforcement of the standards of the Kannapolis Development Ordinance (KDO). The Planning Department is also preparing for the future growth of the City with long range planning using tools such as the Move Kannapolis Forward: Comprehensive Plan 2030 and small area plans, like the Farm Hill Small Area Plan. The Presentation included information on Kannapolis's population growth and current development. The Planning Department is responsible for enforcement of the City's Kannapolis Development Ordinance (KDO), as well as city ordinances regulating minimum housing, non-residential building code, public nuisance (high grass, overgrown lots) and junk cars.

Mayor Hinnant asked when the first time is a project is put on a map. Mr. Smith explained normally the project is added after the initial preliminary plan is reviewed.

Council Member Dayvault felt that the map Mr. Smith presented showing the overlay of actual site plans to a GIS image would be helpful to have when presentations are made to Council and helps to put things into perspective.

Council Member Dixon asked about the zipline project presented last year. Mr. Smith responded that the company had issues with the site plan and relocated to a different location. She asked if there were any plans for that location. Mr. Smith responded that he has not received any new plans.

Mrs. Stapleton introduced their newest member: DJI Phantom Drone which has provided a great visual tool used in board meetings. Josh Campbell has his FAA license to operate the drone. The Planning Department staffs two boards, the Board of Adjustment and the Planning Board. She

1 described the functions of each board and various cases each board may hear.

2
3 Mayor Pro tem Wilson asked if they obtained permission before flying the drone over property.
4 Mrs. Stapleton explained on the applications for rezonings, or special use permits, specifically asks
5 for the property owners' permission to take aerial footage. Mr. Campbell is also familiar with what
6 can and cannot be taken an image of.

7
8 There being no further questions or comments, Mayor Hinnant thanked Mr. Smith and his Staff
9 for the presentation.

10
11 **ADOPTION OF AGENDA - Motion to Adopt Agenda or make revisions**

12 Council Member Jackson made a motion to adopt the agenda. The motion was seconded by
13 Council Member Dayvault and approved by unanimous vote.

14
15 **CONSENT AGENDA:**

16 Mayor Pro tem Wilson made a motion to approve the Consent Agenda. Motion was seconded by
17 Council Member Dixon and approved by unanimous vote.

18
19 Budget Ordinance Amendment - Reappropriation of Cash Reserves to Fund Projects from FY 24
20 to FY 25 (Kristin Jones, Assistant to the City Manager) (Copy included as Exhibit B)

21
22 Pay Classification Schedule - Approve FY24-25 Pay and Classification Plan (Heather James,
23 Human Resources Director) (Copy included as Exhibit C)

24
25 Budget Ordinance Amendment - Appropriating Grant Funds for PD Wellness Initiative (Kristin
26 Jones, Assistant to the City Manager, Terry Spry, Chief of Police) (Copy included as Exhibit D)

27
28 Traffic Control Schedule Ordinance - Modifying Schedule 10(a) Passenger Loading Zone
29 (Michael Rattler, Director of Transportation & Environmental Services) (Copy included as Exhibit
30 E)

31
32 Business Meeting Minutes - July 22, 2024 (Bridgette Bell, City Clerk)

33 May 20, 2024 - Correction of minutes (Bridgette Bell, City Clerk)

34
35 **BUSINESS AGENDA:**

36
37 **Public Hearing- DA (2024-04) - Zaxby's North Cannon Blvd. - Conduct a Public**

Hearing and approve a Resolution approving the Ordinance approving the execution of the Development Agreement. (Richard Smith, Planning Director)
(Copy included as Exhibit F)

Mr. Smith explained on December 12, 2021, City Council adopted the Wastewater Allocation Policy to "provide for the judicious allocation" of the City's limited wastewater treatment capacity. To do so, City Council adopted a fair and reasonable method for strategic allocation of this resource to qualifying public and private land development interests. The allocation process is administered by issuing permits to projects which meet specified City interests and goals. In the case of private commercial permit recipients, it has become clear that once allocation is determined to be available, it is necessary to require the developer to guarantee completion of the project, as presented, within a specified time period. In the event of failure to meet these requirements, the allocation could be rescinded and awarded to another qualified project.

The method of acquiring that contractual guarantee is accomplished by a Development Agreement, a form of which is presented to City Council at its meeting for consideration, public comment, and approval. The project for consideration of the above-described development agreement is 1.2 +/- acres of combined parcels, further identified as Cabarrus County Parcel Identification Numbers 56240098530000, 56240190510000 and a portion of 56240049120000. This project is a proposed single tenant restaurant facility. The development agreement with Zaxby's Operating Company, LP specifically calls for the development of a Zaxby's restaurant. The current addresses for the site are 409 and 413 North Cannon Boulevard. A Development Agreement adopted by Ordinance is required for all projects receiving a Wastewater Allocation Permit pursuant to the City Wastewater Allocation Policy.

Mayor Hinnant asked about the traffic flow into that parcel for the community college. Mr. Smith explained they were not required to do a traffic impact analysis for this site based on the traffic counts. He will say since the two sites are splitting the road, adds to their acreage by closing that access.

Council Member Berry stated at the exit/entrance of the side entrance of the parking lot, there is a road headed toward Walgreens, needs to be a traffic light. Traffic turning left onto Jackson Park Road, you can't see oncoming traffic from the intersection of Lane Street and Jackson Park Road due to the hill. Mr. Smith said he would make a note.

Following general questions, Mayor Hinnant opened the public hearing to those in attendance for an opportunity to speak. There being no speakers, Mayor Hinnant closed the public hearing. Council Member Dayvault made a motion to approve the Resolution approving the Ordinance

1 approving the execution of the Development Agreement. Motion was seconded by Mayor Pro tem
2 Wilson and approved by unanimous vote.

3
4 **Presentation - Implementation Plan - Imagine Kannapolis Strategic Plan Projects FY 25**
5 **through FY 29 (Mike Legg, City Manager) (Copy included as Exhibit G)**

6 In response to the draft Imagine Kannapolis Strategic Plan, the FY 25 Budget was drafted with
7 implementation of the Strategic Plan being the primary driver. More specifically, budget capacity
8 was included to facilitate capital projects of varying sizes and complexities - some beginning in
9 FY 25, others throughout the next five years. Additionally, five consecutive years of capital outlay
10 funding was also included (\$15 million over the five-year period for vehicles, and major equipment
11 needs). Finally, one project is included as the recommended first use of a planned Unrestricted
12 Capital Reserve Set Aside Fund.

13
14 Attached to this staff report is a summary of these projects and a project timeline. Each one will
15 be presented at the City Council meeting with corresponding budget amendments for many of them
16 also included on this meeting agenda.

17
18 At this time, only General Fund projects are being presented. No water and sewer,
19 stormwater, transit or environmental fund projects are included in this discussion.

20
21 The total amount of the initial funding for these projects is \$8,248,290 which will fund, at varying
22 levels, 16 projects. Approximately \$3.9 million of this initial funding amount is the full budget
23 for renovations to City Hall and the estimated full budget for the Public Works Operations Center
24 improvements. Another ~\$1.7 million is for funding set-asides (including some initial planning
25 work) for a future Cultural Arts Facility/History Museum and a potential downtown Block 6
26 public-private partnership. The remaining funding for the other 12 projects is primarily in three
27 categories: 1) planning, project scoping and design, 2) contributions to other entities (developer
28 partners, NCDOT, etc.), and 3) small cash funded capital projects. Future budget amendments will
29 establish the appropriate revenue streams to support the full completion of these projects and at
30 least 13 others (totaling an estimated \$109.6 million) over the next five years. The total estimate
31 includes a projected \$14.3 million in outside funding (grants, public probate partnerships and inter-
32 local agreements). A significant part of this total amount will be financed with new annual debt
33 service payments included in future annual budgets.

34 Following general discussion, no action is required. Presentation for Information Only.

35
36 **Bid Award and Budget Amendment - City Hall Renovations (Eddie Smith, Deputy City**

1 **Manager) (Copy included as Exhibit H)**

2 During the April 8, 2024 City Council work session, Deputy City Manager Eddie Smith shared
3 a presentation on the need to upfit existing shell space areas within City Hall to accommodate
4 department growth related in Finance, HR, Planning, Engineering, Parks & Rec, Customer
5 Service, and IT. Renovations were avoidable until now by allowing remote work, converting
6 conference rooms into office space, deploying cubicles wherever space allows, and having
7 staff members share offices, in some cases at the same time. We have reached the point where
8 we need to renovate existing expansion areas to improve office dynamics, workflow, and
9 Customer Service.

10
11 As a recap, the following goals will be met:

- 12 1. **Accommodating Growth in Departments:** To address the growing needs of
13 various departments, staff recommends a strategic redesign and expansion of
14 existing office spaces. This involves creating new spaces on the 1st floor (Parks
15 & Recreation/Customer Service) and the 2nd floor (Human Resources/IT),
16 thereby providing expansion space for Planning, Engineering, Finance, Legal
17 and Admin).
- 18 2. **Enhancing Operational Efficiency:** Efficiency improvements will be
19 achieved through the integration of updated infrastructure. This includes the
20 creation of a new entrance for Parks & Recreation on the 1st floor, providing
21 ADA/Handicap Accessible parking in front of City Hall, and better customer
22 service for guests entering the building to visit departments on the 2nd or 3rd
23 floor.
- 24 3. **Improving Parking Facilities on Laureate Way:** Parking in front of City Hall
25 has been a constant challenge. It's not uncommon to see guests with mobility
26 challenges struggle to enter the building or see other motorists and delivery
27 trucks block traffic by parking in the traffic circle. To help alleviate parking
28 constraints and enhance accessibility for visitors, Staff recommends the
29 reconfiguration of the parallel parking spaces in front of City Hall to angled
30 parking, thereby providing easier "pull-in" spaces and adding handicap spaces
31 that do not currently exist. Surprisingly, this redesign would also create a net
32 gain of four additional spaces. Delivery Trucks would then be re-directed to the
33 parking lot in an area labeled "Delivery Zone".

34
35 **Optimizing Visitor Flow:** Improving the flow of visitors within City Hall requires a combination
36 of physical modifications and technological interventions. Visitors will check in at the newly
37 created Concierge counter in the Customer Service Center, at which time they will receive a
38 "Visitors" badge that allows them access to the elevators and stairwell. Visitors will then be given

1 directions to efficiently reach their destination without having to roam the hallways.
2 Implementation.

3
4 The Plan:

- 5 A. **Needs Assessment: Complete.** Conducted a thorough assessment of
6 departmental requirements, operational workflows, parking demand, and
7 visitor traffic patterns to inform the renovation plan.
- 8 B. **Design Phase: Complete.** Collaborated with Creech & Associates (John
9 Crawford/Original architect of City Hall) and appropriate Department Heads
10 to develop a comprehensive design proposal that Integrates the identified needs
11 and objectives.
- 12 C. **Project Bidding: Complete.** Bids came in **under-budget.**
- 13 D. **Budgeting and Funding:** This Meeting. See Fiscal Consideration Section.
- 14 E. **Construction:** Begin construction first week in September. Customer Service
15 Center (CSC) employees will be relocating to the EOC/3rd Floor Training Room
16 on August 28-30th. Signs will be posted in the City Hall vestibule, CSC doors,
17 and on social media sharing alternate payment options and providing a phone
18 number for additional service. Goal is to minimize disruptions to ongoing
19 operations as much as possible with minimal impact on public access points and
20 rentals. 6–8-month construction window. Estimated completion: Early
21 February.

22
23 In conclusion, Mr. Smith explained how citizens would be able to still come into City Hall
24 and make payments during the transition. Staff will be available during this transition period
25 to assist with payments or how to use the kiosk. A frame signs will be displayed with a phone
26 number to assistance.

27
28 Currently, there are 12 total parking spaces in front of City Hall, but none are handicap
29 accessible. Making customers parking in the parking lot on the left-hand side of the building,
30 or park in the round-a-bout. It is the intent to convert the existing parallel spaces like what
31 is at the core lab building. This redesign increases the total amount of spaces from 12 to 14
32 of which 5 will be handicap accessible. September 3 is the date when the interior
33 improvements will begin. Shortly thereafter, parking improvements will begin. The
34 contractor has indicated that the interior project will be completed in 140 days. An
35 appropriation of cash reserves is needed to fund this project so the City Manager can execute
36 the contract.

37
38 The budget is as follows:

\$ 85,800	Planning-Design-Construction Management
\$502,186	Furniture/Fixtures/Equipment (FFE) - Audio Visual (AV) - Access Card Readers
\$1,192,800	Construction (Building Renovations - Miles-McClellan)
\$ 254,164	Construction (Front Parking Area Renovations - change order with Oak Avenue Parking Lot contractor)
\$2,034,950	Total

Council Member Berry asked if the flyer were in English and Spanish and was there a Spanish speaking person in customer service. Mr. Smith responded yes to both questions.

Council Member Dixon made a motion to award bid for the City Hall renovations to Miles-McClellan in the amount of \$1,192,800. Motion was seconded by Council Member Jackson. The motion was approved by a 5-1 vote with Mrs. Berry voting no.

Budget Ordinance Amendment - Strategic Plan Capital Projects (Mike Legg, City Manager, Brian Roberts, Finance Director) (Copy included as Exhibit I)

Mr. Legg explained to begin implementation of the Strategic Plan projects included in the projected 5-year financial plan, several budget amendments are necessary. These initial funding requests support 16 of the currently identified 29 Strategic Plan projects with a total of \$8,298,300. Approximately \$3.9 million of this initial funding amount supports the full budget for renovations to City Hall and the estimated full budget for the Public Works Operations Center improvements. Another ~\$1.7 million is for funding set-asides (including some initial planning work) for a future Cultural Arts Facility/History Museum and a potential downtown Block 6 Public-Private Partnership. The remaining funding for the other 12 projects is primarily in three categories: 1) planning, project scoping and design, 2) contributions to other entities (developer partners, NCDOT, etc.), and 3) small cash funded capital projects. Future budget amendments will establish the appropriate revenue streams to support the full completion of these projects (totaling an estimated \$109.6 million) over the next five years. The total estimate includes a projected \$14.3 million in outside funding (grants, public probate partnerships and inter- local agreements). A significant part of this total amount will be financed with new short- and long-term debt to be included in future annual budgets.

Budget Amendment #25-03 = \$2,034,950. This budget amendment only includes one project: City Hall Renovations.

Council Member Dayvault made a motion to approve Budget Amendment #25-03 = \$2,034,950. Motion was seconded by Council Member Jackson. The motion was approved by a 5-1 vote with

1 Mrs. Berry voting no.

2
3 **Budget Amendment #25-04 = \$1,214,761.** This budget amendment includes six projects: 1)
4 Block 10 Park contribution, 2) I-85 Monuments design and bidding, 3) Fire Department Logistics
5 Building design/scoping, 4) MLK Bridge enhancements contribution, 5) Rogers Lake Road Grade
6 Separation enhancements contribution, and 6) The Gem Theater Phase III renovations design and
7 part construction. The projects in this budget amendment are more operational in nature and all
8 should be completed within the current fiscal year, but still may need to be capitalized for those
9 projects where the City will own the asset.

10
11 Council Member Dayvault asked about the MLK Bridge enhancements. When first discussed a
12 while back, the cost was \$80,000 change, now it is \$160,000. Also, the Rogers Lake Road was
13 \$90,000 He asked what the difference is.

14
15 Mr. Melton explained that what is included is the gateway enhancements along the bridge,
16 widening that is associated with the bridge and the City's shared portion of the sidewalk.
17 Additionally, Council went with the classic concrete look, which is more costly,

18
19 Mayor Pro tem Wilson stated when there was discussion on naming the bridge after Milton Taylor
20 and asked if it appropriate at this time to request that bridge be named after Mr. Taylor. Mr. Melton
21 stated that the NCDOT has a process to name bridges and can certainly make that request.

22
23 Council Member Dayvault stated that is has also been mentioned to honor the last NC
24 Representative Linda Johnson because of her hard work in securing funding from the DOT for the
25 bridge replacement. He wondered if there was a way that both individuals could be recognized.

26 Mr. Legg stated that staff will inquire on the NCDOT's process and add to a future Council agenda.
27 Mayor Pro tem Wilson made a motion to approve Budget Amendment #25-04 = \$1,214,761.
28 Motion was seconded by Council Member Dixon The motion was approved by a 5-1 vote with
29 Mrs. Berry voting no.

30
31 **Budget Amendment #25-05 = \$813,242.** This budget amendment includes four projects: 1) Fire
32 Department Training Tower planning and design, 2) Western Cabarrus Transmission Tower
33 planning and design, 3) Main Street Parking planning and design, and 4) Oak Avenue Parking Lot
34 full project cost. The projects in this budget are generally smaller projects, some with multi phases
35 and therefore in multi-year funds but denoted by a project code for tracking purposes (revenue and
36 expenses).

37 Council Member Jackson made a motion to approve Budget Amendment #25-05 =\$813,242.
38 Motion was seconded by Council Member Dayvault. The motion was approved by a 5-1 vote with

1 Mrs. Berry voting no.

2
3 **Budget Amendment #25-06 = \$2,601,000.** This budget amendment includes three projects:
4 Midway Revitalization - Phase I planning and design, 2) Eastside Park design and construction
5 administration, and 3) Public Works Operation Center Renovations full budget. This budget
6 amendment includes \$1,194,750 from the General Fund and \$1,406,250 from the Water and Sewer
7 Fund. The projects in this budget amendment are traditional large capital projects that span over
8 multiple fiscal years, may have debt proceeds or outside funding (grants) tied to them.
9

10 Mayor Pro tem Wilson stated he has reservations about Midway and not sure if he will vote for
11 the Midway project. He asked if this was a package deal.

12
13 Council Member Dayvault noted that he also has reservations with the Miday project and
14 suggested that the Midway Revitalization be added to the Budget Amendment BA#25-06 simply
15 because there should be more discussion before voting.

16
17 Mr. Legg noted that the Finance Director has a method to the madness for the different
18 amendments. He suggested that Council approve BA#25-06 with the amendment of removing the
19 allocation of \$250,000 allocation for the Midway Revitalization and staff will bring back to
20 Council at the next meeting for discussion.

21
22 Since there is funding for the renovations of the Public Works Operations Center, Mrs. Berry
23 would like for Council to tour the facility.

24
25 Mayor Hinnant noted if the Midway revitalization and the PWOC funding is removed, there is not
26 much left. He asked if the amendment should be tabled. Mr. Legg explained that staff will bring
27 back separate budget ordinances at the next meeting.

28
29 Council Member Jackson made a motion to table Budget Amendment #25-06 to the September 9,
30 2024, work session meeting. Motion was seconded by Mayor Pro tem Wilson and approved by
31 unanimous vote.

32
33 City Manager Legg noted that tours will be set up for the Public Works Operations Center.
34
35
36

37 **Budget Amendment #25-07 = \$1,634,347.** This budget amendment includes two projects: 1)
38 Cultural Arts Facility/History Museum - first year funding set aside, and 2) Downtown Block 6

1 Public-Private Partnership Investment - first year funding set aside. Funding for these projects will
2 be in individual, stand-alone funds so the funding which is set aside specifically for these purposes
3 can be properly tracked. The five Budget Amendments described above total \$8,298,300 in total
4 funding. These funds are either appropriations from cash reserves or are included in the FY 25
5 Budget.

6
7 Council Member Berry felt that this budget amendment be tabled until Council can meet with
8 representatives of both entities to determine what they are asking. Mayor Hinnant asked if that was
9 a motion. Mrs. Berry stated she does make that in form of a motion.

10
11 Mayor Pro tem Wilson seconded the motion.

12
13 Mayor Pro tem Wilson asked what is it that we are trying to do. Are we trying to start our own
14 history room or tell them to do whatever they want. When we get to that point, are we saying that
15 we are going on and do something anyway?

16
17 Mr. Legg stated there are two sides. The downtown money set aside is just taking that money that
18 was included in the budget and sit on it until there is a project worthy of pursuing. In his opinion,
19 staff needs some outside help and if you don't look at the big picture and understand the different
20 options, really narrows it down to what individuals think. Without any assistance, could cost
21 money. Funding could be found in the budget without worrying about this big amount, but he feels
22 staff needs some outside help. There could be a 50/50 chance that this never happens and can't
23 reach a conclusion there is a project worthy of putting money into it. He is fine with tabling.

24
25 Council Member Dayvault feels before talking to the History Association or KAAMaCC, there
26 needs to be a discussion among Council. What does a museum look to us, what do we want and
27 how big do we want. The most important piece is the location. If it never comes together, we still
28 have land in the middle of the campus that perhaps can be a memorial to the Cannon Family.

29
30 Mr. Legg suggested that this matter be tabled to the September 9th meeting.

31 Council Member Dixon felt it be better served to first talk to the entities and see if there is any
32 interest in having a museum. We need to know that before deciding.

33 Mrs. Berry amended her motion to table the Budget Amendment #25-07 to the September 9th
34 Council meeting. Mr. Wilson seconded the amended motion. The motion was approved by a 5-1
35 vote with Mrs. Dixon voting no.

36
37 **North Loop Road Pavement Marking Plan - Authorize Staff to proceed with the previously**
38 **approved roadway pavement marking plan. (Wilmer Melton, Assistant City Manager,**

Michael Rattler, Director of Transportation & Environmental Services) (Copy included as Exhibit J)

Mr. Melton explained at the May 20 City Council meeting the 2024 resurfacing contract was approved which included roadway safety enhancements to Loop Road as a part of the project. The safety enhancements included multimodal facilities that provided the following benefits:

- Reducing the number of travel lanes which calms traffic - resulting in lower speeds, which reduces the accident rate and crash severity.
- Reduction in traffic volume with the potential for vehicle trips to be converted to bike or walking trips as the corridor is made safer for cyclists and pedestrians
- Decreased potential for sideswipe and lane change accidents by eliminating side by side driving in the same direction.
- Left turn movement conflicts are reduced by half with one lane in each direction as compared to two lanes in each direction, potentially lowering crash rates.

Pedestrian Benefits

- The proposed section is safer for pedestrians walking or running along N. Loop Rd by providing a large buffer between vehicles and pedestrians on the existing sidewalk. The sidewalks along Loop Rd have been heavily used since the construction of Loop Rd and will continue to be a part of the Kannapolis' Discover a Healthy Life programs such as Loop the Loop and 5k runs that are staged along (or cross) N. Loop Rd.
- Safer for pedestrians crossing N. Loop Rd from adjacent neighborhoods by improving crossing opportunities by reducing the number of lanes of traffic required to cross.

The City's contractor began pre-marking the road on Saturday, August 3 with plans to begin final pavement markings on Monday, August 5, but after hearing concerns from City Council members, staff instructed the contractor to stop work until a final decision was made regarding the desired lane configuration. The recommended option is to proceed with the proposed plan as previously approved by City Council at the May 20th meeting. However, if City Council desires to make modifications at this point, there are two options to reconfigure Loop Road to its original cross-section.

1. Mill and overlay the newly resurfaced roadway at a cost of approximately \$428,000.
2. Cover existing markings with black paint at a cost of approximately \$86,200. Though this is an option, it is not recommended; based upon past experience, the black paint ultimately wears off, which exposes the underlying temporary pavement markings, creating confusion for motorists.

Attached to this staff report is a USDOT information sheet focused on lane configurations like the one planned for North Loop Road. Also attached are the final design/stripping plans for the reconfigured travel lanes.

The recommended option is at no additional expense and will be covered within the existing contract.

If City Council directs staff to reconfigure the roadway back to its original cross-section and markings, staff will proceed immediately and will bring back a budget amendment at a future meeting to address the cost increases.

Following general discussion, Council Member Jackson made a motion to direct staff to proceed with roadway pavement marking plan for North Loop Road as previously approved as part of the 2024 Resurfacing Contract that included the roadway safety enhancement. Motion was seconded by Council Member Dixon. The motion was 3-3 with Mayor Pro tem Wilson and Council Members Berry and Dayvault voting against.

(NOTE-later in the meeting more discussion took place)

Public Hearing and Public Speakers Policy - Approve a City of Kannapolis Public Hearing and Public Comments Policy (Mike Legg, City Manager, Walter Safrit, City Attorney) (Copy included as Exhibit K)

In an effort to ensure that City Council meetings are conducted in a civil, productive, effective, and orderly manner a new policy that sets standards and expectations for public hearings and public comment portion of its meetings is needed. This policy in no way infringes on the rights of any individual to address City Council, it simply sets certain boundaries of order and decorum. More specifically, the Policy addresses these key issues:

1. General decorum (courtesy and respect).
2. Procedures (filling out the card, stating name and address, time frame for requesting to speak).

3. Speaker acknowledgment of the rules (by signing the speaker card).
4. Maximum speaker time limit of 4 minutes.
5. Encouragement of speakers to designate a spokesperson to address common positions to save meeting time.
6. Limit of comments during public comment periods to City business and with Public Hearings limits on comments related to the hearing topic.
7. Limits on use of signs in the audience.
8. Time frame for providing handout materials in advance of the meeting to the City Clerk, including proposed PowerPoint presentations, etc.
9. Provisions that City Council will not engage in debate or discussion with the speaker. Also provision that the speakers address City Council not the audience.
10. Enforcement authority for the Mayor, Police Chief (or designee) in enforcing the Policy.

Following general discussion, Mayor Pro tem Wilson made a motion to adopt the City of Kannapolis Public Hearing and Public Comments Policy. Motion was seconded by Council Member Berry and approved by unanimous vote.

Closed Session pursuant to GS. 143-318.11 (a) (3) to consult with an attorney in order to preserve the attorney client privilege and G.S. 143.318.11 (a) (4) for discussing matters relating to the location or expansion of industries or businesses in the area and G.S. 143.318.11(a)(6) for the purpose of discussing personnel matters.

Mayor Pro tem Wilson made a motion to go into closed session pursuant to GS. 143-318.11 (a) (3) to consult with an attorney in order to preserve the attorney client privilege and G.S. 143.318.11 (a) (4) for discussing matters relating to the location or expansion of industries or businesses in the area and G.S. 143.318.11(a)(6) for the purpose of discussing personnel matters. Motion was seconded by Council Member Kincaid and approved by unanimous vote.

Council went into closed session at 7:15 PM.

Mayor Pro tem Wilson made a motion to come out of closed session. Motion was seconded by Council Member Dayvault and approved by unanimous vote.

Council resumed regular session at 9:00 PM.

Regarding the North Loop Road Pavement Marking Plan, Mayor Hinnant reiterated that at the May 20 City Council meeting the 2024 resurfacing contract was approved which included roadway safety enhancements to Loop Road as a part of the project. To have the contractor change back to the original road stripping would cost the City an additional \$400,000 under the original

1 contract. Mayor Hinnant observed there was no motion to increase the contract by \$400,000
2 anyway. Since the motion that Council voted on tonight was a 3-3 vote, no action was taken and
3 contract awarded at the May 20 meeting remains in effect. Mr. Safrit stated that the Motion tonight,
4 in essence, was to reconsider what had already been approved. Therefore, Mr. Melton will direct
5 the contractor to go ahead to finish the road diet striping.

16
17 There being no further business brought before Council, Council Member Dixon made a motion
18 to adjourn the meeting. The motion was seconded by Council Member Berry and approved by
19 unanimous vote.

20
21 The meeting adjourned at 9:00PM on Monday, August 12, 2024.
22
23
24
25

26
27 _____
Milton D. Hinnant, Mayor

28 _____
29 Bridgette Bell, MMC, NCCMC
City Clerk



Kannapolis City Council

City Council Agenda Staff Report

August 26, 2024

To: Mayor and City Council

From: Richard Smith, Planning Director

Subject: **PUBLIC HEARING - DA-2024-05** - Cambridge Kannapolis, LLC (Cannon Village Shopping Center) - Conduct a Public Hearing and approve a Resolution approving the Ordinance for the execution of the Development Agreement. **APPROVED**

Action Requested by City Council

1. Conduct a Public Hearing
2. Motion to approve the Resolution adopting the Ordinance approving the execution of the Development Agreement.

Required Votes to Pass Required Action

Majority Present at Meeting

Background

On December 12, 2021, City Council adopted a Wastewater Allocation Policy to "provide for the judicious allocation" of the City's limited wastewater treatment capacity. To do so, City Council adopted a fair and reasonable method for strategic allocation of this resource among qualifying public and private land development interests. The allocation process is administered by issuing permits to projects with meet specified City interest and goals. In the case of private commercial and residential permit recipients, it has become clear that once a permit is awarded, it is necessary to require the developer to guarantee completion of the project, as presented, within a specified time period. In the event of failure to meet these requirements, the allocation could be rescinded and awarded to another qualified party.

The method of acquiring that contractual guarantee would be accomplished by a Development Agreement, a form of which is presented to City Council at its meeting for consideration, public comment, and approval. The project for consideration of the above-described Development Agreement is approximately 6.90 +/- acre portion of property, further identified as Cabarrus County Parcel Identification Number 56147242620000. The Development Agreement with Cambridge Kannapolis, LLC. calls for a grocery anchored commercial shopping center.

Fiscal Implications

None

Policy Issues

A Development Agreement adopted by Ordinance is required for all projects receiving a Wastewater Allocation Permit pursuant to the City Wastewater Allocation policy.

Legal Issues

A Development Agreement adopted by Ordinance is required for all projects receiving a Wastewater Allocation Permit pursuant to the City Wastewater Allocation policy.

Recommendations and Alternate Courses of Action

- 1. Motion to approve the Resolution approving the Ordinance (Recommended).**
2. Amend and then approve the Resolution.
3. Table action to a future meeting.
4. Take no action.

Attachments

1. Development Agreement Final Draft
2. Non-Residential Scoring Matrix Cambridge
3. Public Notice August 26 2024
4. Resolution Dev Ag Cannon Village
5. Ordinance Adopting Development Agreement between City and Cambridge Kannapolis

**WASTEWATER ALLOCATION
DEVELOPMENT AGREEMENT
BY AND BETWEEN
THE CITY OF KANNAPOLIS, NORTH CAROLINA
AND
CAMBRIDGE-KANNAPOLIS, LLC**

_____, 2024

(Retail Shopping Center (Name TBD))

WASTEWATER ALLOCATION

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (together with the Exhibits attached hereto, (the “Agreement”) is entered into effective as of the ____ day of _____, 20____ (the “Effective Date”), by and between the City of Kannapolis, a municipal corporation of the State of North Carolina (the “City”) and Cambridge-Kannapolis, LLC, a North Carolina limited liability company (with its successors in interest, (the “Developer”). The Project will be known as Retail Shopping Center (Name TBD). The City and the Developer are sometimes separately referred to in this Agreement as a “Party” or jointly referred to as the “Parties”.

LEGAL FRAMEWORK

The North Carolina General Statutes (“N.C.G.S.” §160D-1001 through §160D-1012), as they exist on the Effective Date of this Agreement (the “Development Agreement Act”), enable cities to enter into binding development agreements with entities intending to develop real property under certain conditions set forth in the Development Agreement Act.

N.C.G.S. 160D-1001(a)(1) provides that “Development projects often occur in multiple phases over several years, requiring a long-term commitment of both public and private resources.”

N.C.G.S. 160D-1001(a)(3) provides that “Because of their scale and duration, such projects often require careful coordination of public capital facilities planning, financing, and construction schedules and phasing of the private development.”

N.C.G.S. 160D-1001(a)(4) provides that “Such projects involve substantial commitments of private capital, which developers are usually unwilling to risk without sufficient assurances that development standards will remain stable through the extended period of development.”

N.C.G.S. 160D-1001(a)(5) provides that “Such developments often permit communities and developers to experiment with different or nontraditional types of development concepts and standards, while still managing impacts on the surrounding areas.”

N.C.G.S. 160D-1001(a)(6) provides that “To better structure and manage development approvals for such developments and ensure their proper integration into local capital facilities programs, local governments need flexibility to negotiate such developments.”

In view of the foregoing, N.C.G.S. §160D-1001 through §160D-1012 expressly authorize local governments and agencies to enter into development agreements with developers pursuant to the procedures and requirements of N.C.G.S. 160D-1001 through 1012, which procedures and requirements include approval of the development agreement by the governing body of the local government by ordinance after a duly noticed public hearing.

N.C.G.S. 160D-1004 provides that “a local government may enter into a development agreement with a developer for the development of property as provided in this Article for developable property of any size,” and that “development agreements shall be of a reasonable term specified in the agreement.”

In addition to any force of law conferred upon this Agreement by North Carolina law related to local governments, the terms of this Agreement are also contractual in nature, are a significant inducement and consideration to enter into this Agreement and may be enforced as contractual terms.

The City's Development Ordinance (the "KDO") or the Unified Development Ordinance ("UDO") if in effect upon the Effective Date and /or the City Wastewater Allocation Policy authorize the use of development agreements and provides additional requirements for such agreements.

RECITALS

- A. Developer and the City desire to enter into this Agreement for the development of certain real property containing approximately 6.90 acres, to be subdivided out of one larger tract denoted by Cabarrus County parcel ID(s) 56147242620000 (hereinafter referred to as the "Property") and more particularly described and depicted on Exhibit B attached hereto.
- B. The purpose of this Agreement is to facilitate the Development (as defined herein) of the Property in a way that best realizes the benefits to the Parties. The Development of the Property requires a major investment by the Developer and substantial commitment of resources to achieve the benefits of the Development for the Parties. The Developer will be unable to make and realize the benefits from such commitments without the assurances of the City as provided by this Agreement.
- C. The Development of the Property is consistent with the City's ordinances and is reasonable and in the public interest for the following reasons, each of which serve as a benefit to the City:
 - 1. Furthering the goals of securing an appropriate use and density on the Property and implementation of the Development Plan (as defined below); and
 - 2. Provision of an efficient, effective, and practical overall plan for addressing the Development of the Property.
- D. The general benefits to be received by the Developer from the Development of the Property include, without limitation:

Development rights for a commercial shopping center consisting of approximately 53,000 square feet of grocery anchored retail space, an ancillary fueling facility with 5 MPDs, 12,550 square feet of small shop retail space, and one (1) commercial outparcel planned for approximately 5,000 square feet of food, beverage, and/or service retail uses.

- 1. Issuance of a Sewer Allocation Permit as set out in Paragraph 9 of this Agreement.
- E. The general benefits to be received by the City from the Development of the Property include, without limitation:
 - 1. Significant addition to the commercial development of the Central Business District consistent with the City's redevelopment initiatives.; and
 - 2. Construction by Developer of public infrastructure as described in Exhibit D; and
 - 3. Development of the Property in accordance with the City's Comprehensive Plan.
- F. City staff recommend that this Agreement be approved as a companion item to Zoning Map Amendment # N/A.

- G. This Agreement was considered by the Kannapolis Planning Commission at its N/A, 2024, meeting, as part of a public hearing on zoning case # N/A.
- H. Pursuant to N.C.G.S. 160D-1005, a public hearing regarding this Agreement was held at the August 26, 2024 meeting of the Kannapolis City Council. The notice of public hearing specified, among other things, the location of the Property subject to this Agreement, the development uses proposed on the Property in accordance with the Development Plan, and a place where a copy of the proposed Agreement could be obtained. The Agreement was available for public inspection on the City's website and at City Hall.
- I. The City Council adopted one or more of the following at its meeting, as applicable, on _____, 20____; (a) an annexation ordinance; (b) a consistency statement pursuant to N.C. Gen. Stat. § 160A-383; (c) a zoning map change and (d) an ordinance approving this Agreement ("Ordinance"). A copy of the Ordinance is attached hereto as Exhibit A.

NOW, THEREFORE, in consideration of the premises of this Agreement and the mutual benefits to the Parties, the Parties agree as follows:

- 1) The Property. The Property to be developed pursuant to this Agreement is described and depicted on Exhibit B attached hereto.
- 2) Definitions. Capitalized terms in the Agreement shall have the meanings assigned to them below or elsewhere herein:
 - a) "Applicable Law" means all federal, state, and local statutes, ordinances, regulations, and requirements governing the Project, including, without limitation, the Current Regulations.
 - b) "Current Regulations" means all ordinances, resolutions, regulations, and comprehensive plans adopted by the City on or before the Effective Date affecting the Development of the Property and includes, without limitation, laws governing permitted uses of the Property, density, design, and improvements, subject to Section 6 below.
 - c) "Development" shall have the same meaning as it does in KDO Article 10 *Definitions* or UDO Appendix A *Definitions*
 - d) "Zoning Permit" or "Development Permit" means any building permit, site plan approval, subdivision approval, rezoning certification, variance, certificate of occupancy and any other official action of Local Government having the effect of permitting the Development for the use of the Property contemplated in this Agreement.
 - e) "Development Plan" means a type of plan that becomes part of the zoning of a property that establishes the level of development allowed absent further zoning action except as otherwise allowed or required under this Agreement, and which is incorporated into the zoning map change approved as part of Case Number N/A and as set forth on Exhibit C attached hereto.
 - f) "Development Schedule" means the schedule for development as shown in Exhibit D.
 - g) "Infrastructure" means major capital or community developments including, but not limited to, transportation, sanitary sewer, solid waste, drainage, and potable water.

- h) “Local Government” means any municipality or governmental entity of the State of North Carolina established pursuant to Applicable Law which exercises regulatory authority over, and grants Development Permits for land Development or which provides public Infrastructure.
 - i) “Parcel” means any lot of record on which Development may occur in accordance with the Development Plan.
 - j) “Project” means the Development that will occur within and upon the Property pursuant to this Agreement and in accordance with the Development Plan.
 - k) “Property Owner” means (i) any person or entity, other than the City, which shall have acquired any portion of the fee interest in the Property from and after the Effective Date, and (ii) any successor in interest to such person or entity.
- 3) Relationship of the Parties. This Agreement creates a contractual relationship between the Parties. This Agreement shall not be interpreted or construed to create the relationship of master/servant, principal/agent, association, partnership, joint venture, or any other relationship where one Party may be held responsible for acts of the other Party. This Agreement does not impose any partnership obligation or liability upon either Party. Further, this Agreement is not intended to create, nor does it create, a relationship whereby the conduct of Developer constitutes “state action” for any purposes.
- 4) Legislative Act. Any change in the Development Standards established by this Agreement and as set forth on Exhibit C, shall require the approval of City Council, subject to compliance with applicable statutory procedures and consistent with Section 6(a). This Agreement constitutes a legislative act of City Council. City Council adopted this Agreement only after following procedures required by Applicable Law.
- 5) Covenants Running with the Property. The conditions, covenants, and benefits set forth in this Agreement shall run with the Property, and every purchaser, assignee or transferee of an interest in the Property or any portion thereof, shall be obligated and bound by the terms and conditions of this Agreement, and shall be entitled to the benefits of this Agreement for a duration of Five (5) years in accordance with the terms of this Agreement. In addition, even after the term of this Agreement shall have expired, the zoning for the Property as described in the Development Plan shall survive and shall apply to future development of the Property, unless the Property is subsequently rezoned.
- 6) Applicable Regulations.
- a) Applicable Law and Development Standards. Except as otherwise provided by this Agreement and in accordance with N.C.G.S. § 160D-1007, Development of the Property, including, without limitation, approval procedures and impact fees applicable thereto, shall be in conformance with the Current Regulations and all other Applicable Law.
 - b) Vested Rights. Pursuant to the authority granted therefor in N.C.G.S. § 160D-1001 through 1012 and subject to the provisions of subparagraph (a) above, all rights and prerogative accorded the Developer by this Agreement, including, without limitation, application of the Current Regulations, shall constitute vested rights for the Development of the Property throughout the term of this Agreement.

- c) Building Codes and Laws Other Than Land Use Regulations. Developer, notwithstanding any provision which may be construed to the contrary in this Agreement, must comply with any building, housing, electrical, mechanical, plumbing and gas codes subsequently adopted by the City or other governmental entity. This Agreement shall not be construed to supersede or contravene the requirements of any building, housing, electrical, mechanical, plumbing and gas codes subsequently adopted by the City or other governmental entity.
 - d) Updates to City Ordinances. Where any City ordinance, fee structure, resolution, or regulation adopted after the date hereof (a “New Ordinance”), differs from the Current Regulations, Developer may, at any time after adoption of such New Ordinance, request that such New Ordinance, or any portion thereof, be incorporated into the Current Regulations. The Parties recognize that this section shall not apply to any commitments reflected in the Development Plan or this Agreement. Developer shall submit such request in writing to the City, and the City shall review and respond to such request within sixty (60) days. Incorporation of a New Ordinance, or any portion thereof, into the Current Regulations shall be a non-material change to the Agreement.
- 7) Local Development Permits and Other Permits Needed. The Parties anticipate that the following local Development Permits and other regulatory permits will be needed to complete the Development of the Project: Site Plan approval, plat approvals (preliminary or final), street, water, sewer and stormwater construction drawing approval, building permits, certificate of compliance, city water and sewer permits, and stormwater control measure agreements. The failure of this Agreement to address a particular permit, condition, term, or restriction does not relieve the Developer of the necessity of complying with all laws governing permit requirements, conditions, terms, or restrictions.
- 8) Project Development.
- a) Project Development. Developer shall construct the Project substantially in accordance with the provisions of Exhibit C (Development Plan) attached hereto and this Agreement.
 - (i) Material Changes. Material changes to the Development Plan or the Development Agreement, which is incorporated into the Development Plan as a text commitment, shall be considered in accordance with the procedures set forth in the KDO/UDO and State law.
- 9) City Obligations.
- a) Developer is seeking approval of this Development Agreement.
 - b) In accordance with the City Wastewater Allocation Policy, Developer shall be issued an Allocation Permit to supply public water and sewer treatment for the Project as provided therein. Developer acknowledges that any subsequent Allocation Permit(s) will be issued upon the Water and Sewer Authority for Cabarrus County’s (“WSACC”) completion of the first phase of the expansion project to the Rocky River Regional Wastewater Plant (“RRRWWTP”). Although WSACC’s construction of the first phase of expansion of the RRRWWTP has already commenced, the outside completion date of December 2024, is based upon information, projections and estimates available to City on the date of this Agreement.

- c) Project will be allocated wastewater services based on the planned uses in the following manner:
10,500 gallons per day (GPD) for grocery store use; 1,255 GPD for the retail shop building use, 100 GPD for the ancillary fueling facility, and 4,800 GPD for the outparcel retail use.
- 10) Other Approvals. To the extent that any county or other Local Government, state or federal approvals are required in connection with the Development of the Project, the City shall use reasonable efforts to assist Developer in obtaining such approvals.

11) Developer Obligations.

- a) Developer shall develop the Property in accordance with the Development Plan, Development Schedule and Matrix application.
- b) Developer will dedicate public utilities and facilities to City as required by Ordinance.
- c) Developer will construct certain Public Infrastructure, as outlined in Exhibit D, to include offsite roadway improvements pursuant to the TIA approved and completed for the Development

12) Default.

- a) Developer Default. Developer must initiate construction of the Project on or before 360 days following issuance of the Allocation Permit (i.e., Council Approval) if no extension of utilities is required. In the event the extension of utilities is required, construction of the Project must be initiated on or before 360 days after issuance of the NC Department of Environmental Quality Wastewater Collection System Extension Permit. If the developer fails to make continuous progress in the period following submission of construction plans for review and issuance of the NC Department of Environmental Quality Wastewater Collection System Extension Permit the projects sewer allocation may be revoked in the discretion of the City as a material default under this Agreement. This requirement applies to construction for each phase of the Project for which an Allocation Permit is issued. If the Developer commits a material breach of the terms or conditions of this Agreement, City shall serve notice in writing upon the Developer setting forth with reasonable particularity the nature of the breach and the evidence supporting the finding and determination, and the Developer shall have sixty (60) days to cure such breach, provided that if such breach cannot be cured within sixty (60) days using commercially reasonable efforts, the Developer shall be permitted such time as reasonably necessary to effect such cure so long as the Developer shall use commercially reasonable efforts to diligently prosecute such cure.
- b) City Default. If the City commits a material breach of the terms or conditions of this Agreement, Developer shall serve notice in writing upon the City setting forth with reasonable particularity the nature of the breach and the evidence supporting the finding and determination, and the City shall have sixty (60) days to cure such breach, provided that if such breach cannot be cured within sixty (60) days using commercially reasonable efforts, the City shall be permitted such time as reasonably necessary to effect such cure so long as the City shall use commercially reasonable efforts to diligently prosecute such cure.

13) Remedies.

- a) City Remedies for Developer Default. In the event of a Developer material breach of this Agreement and Developer fails to cure such breach within the above-described 60-day

period following notice period, City may exercise any or all of the following remedies (subject to Developer's right of appeal to the Board of Adjustment):

- i) Refuse to issue certificates of compliance for the Development Project.
- ii) Rescind any sewer allocation permit.
- iii) Terminate this Agreement.

- b) Developer Remedies. If the City fails to cure any material breach within a 60-day period following notice, then such breach shall be a "City Default" hereunder, and Developer may be entitled to reimbursement of actual damages suffered by Developer to the extent such amounts have been reasonably documented and such documentation delivered to the City.

14) General Provisions.

- a) Term. The term of this Agreement shall commence only upon the full execution of this Agreement. This Agreement shall terminate Five (5) years thereafter (the end of the term of this Agreement, as may be extended from time to time by the Parties or earlier terminated in accordance with the provisions of this Agreement, the "Termination Date").
- b) Amendment. As required by N.C.G.S. § 160D-1006(e), major modifications or significant changes to this Agreement shall follow the same notice, public hearing, and approval procedures as were followed initially when the Parties formed this Agreement. A major modification or significant change of this agreement shall include any change not agreed to by both Parties hereto. Except as otherwise set forth herein, this Agreement may be amended only by written mutual consent of the Parties or by their successors in interest. Wherever said consent or approval is required, the same shall not be unreasonably withheld. In the event state or federal laws or regulations prevent or preclude compliance with one or more provisions of this Agreement, the pertinent provisions of this Agreement shall be modified or suspended as may be necessary to comply with the state or federal laws or regulations. In such event, compliance with all other provisions of this Agreement shall remain unaffected and unmodified.
- c) Severability. If any word, phrase, sentence, paragraph or provision of this Agreement shall be finally adjudicated to be invalid, void, or illegal, it shall be deleted and in no way affect, impair, or invalidate any other provision hereof.
- d) Merger. This Agreement, coupled with its Exhibits, which are incorporated herein by reference, state the final and complete expression of the Parties' intentions with respect to the subject matter hereof.
- e) Further Assurances. The Parties hereto shall cooperate with each other to effectuate the provisions of this Agreement and to act reasonably and expeditiously in all obligations under the Agreement. In the event of any legal action instituted by a third Party or other governmental entity or official challenging the validity of any provision of this Agreement, the Parties shall cooperate in defending such action.
- f) Governing Law and Venue. This Agreement shall be construed and enforced in accordance with the substantive laws of the State of North Carolina, without regard to principles of conflicts of laws. The only proper venue and court for litigation related to, arising out of, or connected with this Agreement or the relationships between the Parties established by this Agreement shall be _____ County Superior Court.

- g) Successors in Interest and Recordation. The burdens of this Agreement are binding upon, and the benefits of this Agreement shall inure to, all assignees or successors in interest of the Parties to this Agreement. The term “Developer” as used herein, shall denote (i) the named Developer herein, and (ii) any successor of Developer hereunder. This Agreement shall be recorded against the Property by Developer within fourteen (14) days after the execution of the Agreement by the Parties. The rights and obligations of Developer contained herein shall run with the land.
- h) Third Parties. Notwithstanding any provision herein to the contrary, this Agreement shall not be binding and shall have no force or effect as to persons or entities not Parties or successors and assigns to this Agreement.
- i) Estoppel. Each Party agrees, from time to time, within thirty (30) days after request of another Party, to deliver to the requesting Party or such Party’s designee, an estoppel certificate stating that this Agreement is in full force and effect, the unexpired term of this Agreement, and whether or not, to such Party’s knowledge, there are any existing defaults or matter which, with the passage of time, would become defaults under this Agreement. It is understood and agreed that the Party’s obligations to furnish such estoppel certificates in a timely fashion is a material inducement for execution of this Agreement.
- j) Representations and Warranties of the Developer. The Developer represents and warrants to the City that:
 - i) It is an entity duly organized, existing, and in good standing under the laws of the State of North Carolina; and
 - ii) It has the full right, power, and authority to enter into this Agreement and to perform its obligations hereunder.
- k) Force Majeure. In addition to specific provisions of this Agreement, no Party shall be responsible for any default, delay or failure to perform if such default, delay or failure to perform is due to causes beyond such Party’s reasonable control, including, but not limited to, strikes, lockouts, actions or inactions of governmental authorities, epidemics, pandemic, wars, embargoes, fires, hurricanes, adverse weather, acts of God, interference duly caused by any other Party, or the default of a common carrier. In the event of a default, delay or failure to perform due to causes beyond such Party’s reasonable control or due to interference by another Party, any date or times by which the Parties are otherwise scheduled to perform, if any, shall be extended for a period of time equal in duration to the time lost by reason of the cause beyond the reasonable control of such Party. Written notice of such alleged delay shall be given to the other Party within thirty days of the commencement of such delay. An extension of time, if any, for such cause shall be mutually agreed upon in writing by the Parties. The Parties agree that such consent to an extension of time shall not be unreasonably withheld.
- l) Construction of Agreement. Both Parties hereto have been represented by counsel in the negotiation of this Agreement, and neither this Agreement nor any provision hereof shall be construed against a Party hereto because such Party drafted it or caused it to be drafted.
- m) No Waiver. Failure of a Party hereto to exercise any right hereunder shall not be deemed a waiver of any such right and shall not affect the right of such Party to exercise at some

future time said right or any other right it may have hereunder. Unless this Agreement is amended by vote of the City Council taken with the same formality as the vote approving this Agreement, no officer, official or agent of the City has the power to amend, modify or alter this Agreement or waive any of its conditions except as set forth herein.

- n) E-Verify Requirements. (A) If this contract is awarded pursuant to North Carolina General Statutes (NCGS) 143-129 – (i) the contractor represents and covenants that the contractor and its subcontractors comply with the requirements of Article 2 of Chapter 64 of the NCGS; (ii) the words “contractor”, “contractor’s subcontractors,” and “comply” as used in this subsection (A) shall have the meanings intended by NCGS 143-129(j); and (iii) the City is relying on this subsection (A) in entering into this contract. (B) If this contract is subject to NCGS 143-133.3, the contractor and its subcontractors shall comply with the requirements of Article 2 of Chapter 64 of the NCGS.
- o) Notices. All notices hereunder shall be given in writing by certified mail, postage prepaid, or by delivery through a nationally recognized overnight carrier, delivery confirmation required, provided that such notices may be delivered via electronic mail if such notice shall also be delivered by one of the other methods described in this section. Delivery shall be deemed effective as of the date of the delivery receipt, or, for notices delivered electronically, on the date such notice was sent via electronic mail without automatic notification of any delivery error. Notices shall be delivered to the following addresses:

To the City:

City Manager’s Office
City of Kannapolis
401 Laureate Way
Kannapolis, North Carolina 28081
Email: mlegg@kannapolisnc.gov

With copies to:

City Attorney
City of Kannapolis
401 Laureate Way
Kannapolis, North Carolina 28081
Email: wsafrit@kannapolisnc.gov

To the Developer:

Cambridge-Kannapolis, LLC
c/o Cambridge Properties, Inc.
831 E. Morehead St., Ste. 245
Charlotte, NC 28202
Email: nkb@cambridgeprop.com

With copies to:

Brent A. Torstrick
Robinson, Bradshaw & Hinson, P.A.
101 N. Tryon Street, Suite 1900
Charlotte, NC 28246
Email: btorstrick@rbh.com

- p) Execution of Agreement. This Agreement may be executed in multiple parts as originals or by facsimile or scanned copies of executed originals and may further be executed by counterpart signature pages.
- q) Time for Performance. Any reference to “day” or “days” herein shall mean calendar day(s) unless otherwise specified, and any deadline or outside date set forth herein falling on a Saturday, Sunday, or holiday on which banks are closed for business in Kannapolis, North Carolina shall be automatically extended to the following business day.
- r) Conflicting Terms; Conflicting Requirements. In the event of a conflict between the requirements of this Agreement and the requirements of any Exhibits or any of the Related Agreements, the more stringent requirements shall apply.

[Separate Signature Page To Follow]

IN WITNESS WHEREOF, this Development Agreement has been executed by the Parties on the day and year first above written.

CITY OF KANNAPOLIS

By: _____
Michael B. Legg
City Manager

Attest: _____
Bridgette Bell, MMC, NCCMC
City Clerk

STATE OF NORTH CAROLINA

COUNTY OF _____

I, _____, a Notary Public of the County and State aforesaid, certify that Bridgette Bell personally came before me this day and acknowledged that she is City Clerk of the City of Kannapolis, a North Carolina municipal corporation, and that by authority duly given and as the act of the City of Kannapolis, the foregoing instrument was signed in its name by Michael B. Legg, City Manager, sealed with its municipal seal and attested by her as its City Clerk.

Witness my hand and notarial seal, this _____ day of _____, 20__.

Notary Public

[SEAL]

My commission expires: _____

Cambridge-Kannapolis. LLC

By: _____

John J. Priester, Jr.

Manager

STATE OF NORTH CAROLINA

COUNTY OF _____

I, _____, a Notary Public of the County and State aforesaid, certify that _____ personally came before me this day and acknowledged that (s)he is _____ of _____, , and that by authority duly given and as the act of the City of Kannapolis, the foregoing instrument was signed in its name by _____.

Witness my hand and notarial seal, this _____ day of _____, 20__.

Notary Public

[SEAL]

My commission expires: _____

EXHIBIT A

Ordinance

**AN ORDINANCE ADOPTING THE DEVELOPMENT AGREEMENT BY AND
BETWEEN THE CITY OF KANNAPOLIS AND**

WHEREAS, N.C.G.S. §160D-1001 through §160D-1012 (the “Act”), authorizes municipalities to enter into development agreements with developers under the terms and conditions stated in the statutes, and

WHEREAS, the City of Kannapolis (“City”) and _____ (“Developer”) have negotiated an agreement in accord with and under the authority of the cited statutes, and

WHEREAS, a public hearing was held on _____, 20____ as set forth in N.C.G.S. §160D-1003 providing public review of the Development Agreement, as defined below; and

WHEREAS, the City finds that the Development Agreement is consistent with the Act, the City’s adopted policy guidance, and the Current Regulations, as defined in the Development Agreement, and is reasonable and in the public interest for the reasons set forth in the Development Agreement:

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

1. Pursuant to the authority granted to the City by Article 10 of Chapter 160D of the North Carolina General Statutes, the City hereby adopts the Development Agreement by and among the City and the Developer, attached hereto (the “Development Agreement”), and authorizes the Manager to execute the Development Agreement.
2. This Ordinance is effective upon adoption.

Adopted this ____ day of _____, 20____.

Milton D. Hinnant, Mayor

Bridgette Bell, MMC, NCCMC
City Clerk

EXHIBIT B

Property

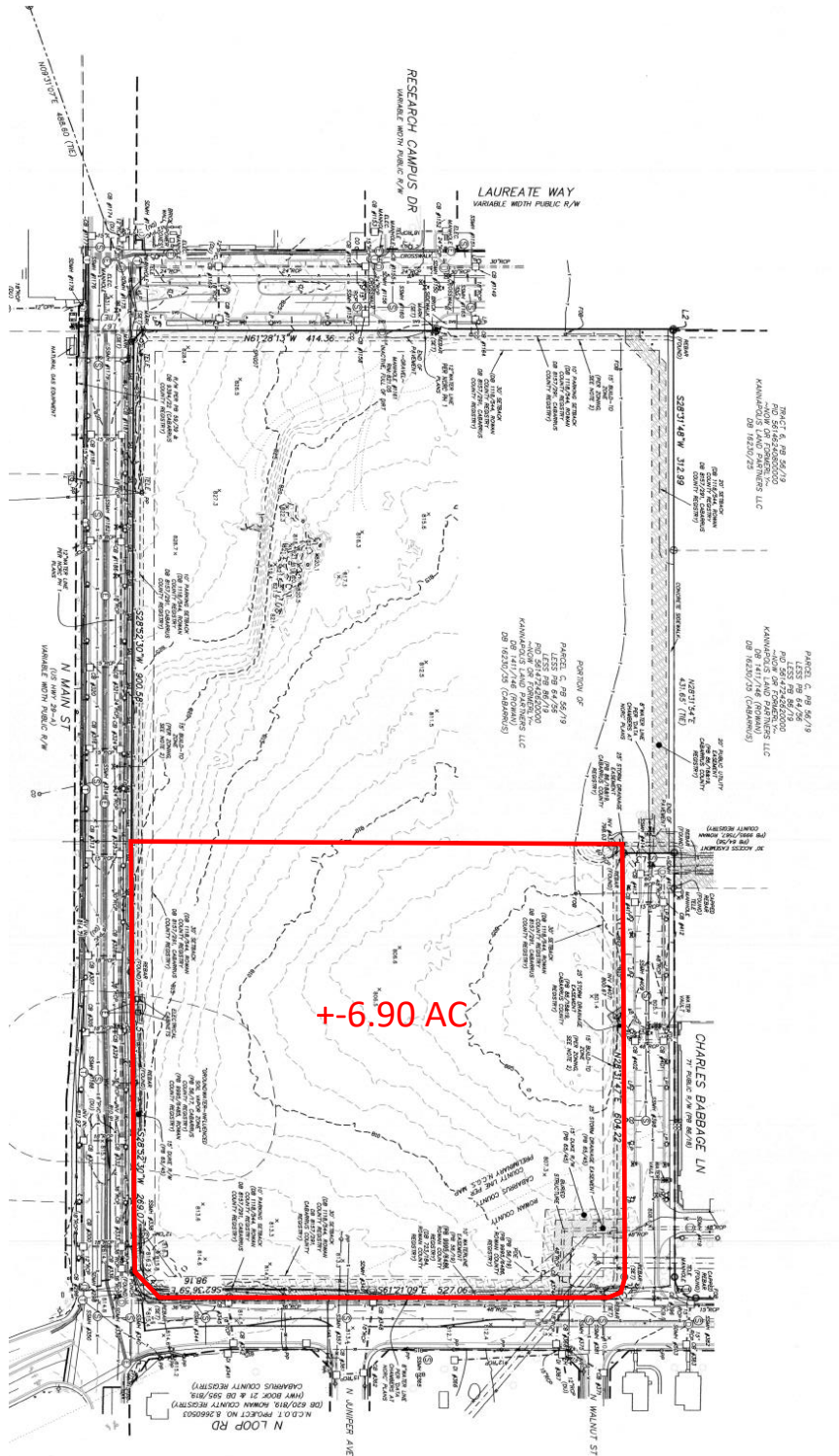


EXHIBIT C

Development Plan

**[DEVELOPMENT PLAN TO BE INSERTED AFTER
CITY COUNCIL APPROVAL]**

EXHIBIT D

Development Schedule and Public Facilities Schedule/Scope of Work

1. Construction of offsite roadway improvement infrastructure including: 1) an eastbound left turn lane along N Main Street at Proposed Full Access 1, as shown on the Development Plan; and 2) a northbound left turn lane along North Loop Road at Proposed Full Access 3, as shown on the Development Plan. [THE SCOPE OF WORK OUTLINED IN THE FOREGOING SENTENCE SUBJECT TO FINALIZED OFFSITE IMPROVEMENTS PER TIA]
2. Comply with the requirements of Section VI. "General Conditions" Subsection B, of the City Wastewater Allocation Policy.
3. Development Project is anticipated to be completed on or before December 31, 2025 but such construction shall not be an obligation of Developer.



Exhibit C
WASTEWATER TREATMENT
CAPACITY ALLOCATION SCORING
NON-RESIDENTIAL MATRIX

Development Type¹

(Choose 1 from this table)

TOTAL POINTS: 65

	Development Type Category	Points	Calc.	Notes
1	Government/Education/Public Safety (GOV)	50		Public sector projects only.
2	General Commercial (COM)	25		Includes retail, restaurants, bars, breweries, and similar uses.
3	Office (OFF)	15		Includes general office and similar uses.
4	Medical (MED)	35		
5	Distribution/Warehouse (DST)	30		50% or more of the use is for storage and distribution of goods.
6	Hotel (HTL)	25(+5)		Additional points for amenities (indoor pool, restaurant, location, etc.)
7	Grocery	30 (+5)		Additional points for location in food desert (+5)
8	Childcare Facility	20		
9	Industrial/Manufacturing (IND)	40		50% or more of the use is for manufacturing of goods.
10	Mixed-Use Projects (MIX)	TBD		Points determined by weighted average of all development categories based on the acreage or square footage planned for each category. Example: a 10-acre project with 3 acres devoted to a hotel (30%), 5 acres devoted to multi-family (50%) and 2 acres devoted to a retail component (20%) would result in a development type point calculation of 18 or $(25 \times 30\%) + (10 \times 50\%) + (25 \times 20\%)$. All fraction numbers will be rounded up to the next whole number.
11	Downtown Redevelopment (DTN)	45	45	Projects on properties located within the Municipal Service District owned by the City of Kannapolis or Castle and Cooke, Inc. – and affiliate companies - within the past 60 months (including successor owners).

¹ Any Development Type Category not listed is subject to Planning Director discretion and assignment of reasonable points.



Exhibit C
WASTEWATER TREATMENT CAPACITY
ALLOCATION SCORING
NON-RESIDENTIAL MATRIX

Community Impact Bonus Points
 (Choose All that apply from this table)

	Community Impact Category	Type	Points	Calc.	Notes
1	Cultural Arts/Entertainment/Sports/Recreation for public use	GOV, COM, OFF, HTL, DNT	+1 to 3		Can be residential or non-residential projects. 1 pt. per, max 3pts (undeveloped open space = 0 pts). Cannot be double counted with Category #5.
2	Renovation and adaptive re-use of an existing non-residential building ³	GOV, COM, OFF, IND, DST, HTL, DTN	+2		Improvement must meet minimum City standards (with no waivers, adjustments or variances). The project must not include any City cost. The project must result in a projected investment exceeding 50% of the pre-existing tax value.
3	Re-development of an existing non-residential property (removal of underutilized building) ³	GOV, COM, OFF, IND, DST, HTL, DNT	+2		Must include the removal of an existing underutilized or one or more substandard structures/buildings. Improvement must meet all minimum City development standards (with no waivers, adjustments or variances). The project must not include any City cost. The project must result in a projected investment exceeding 50% of the pre-redevelopment tax value.



Exhibit C
WASTEWATER TREATMENT CAPACITY
ALLOCATION SCORING
NON-RESIDENTIAL MATRIX

Community Impact Bonus Points
(Choose All that apply from this table)

	Community Impact Category	Type	Points	Calc.	Notes
4	Masonry elements included in building construction	ALL	+5 to +10	8	Must be minimum of 50% of facades up to 100% (outparcels all brick; grocery store shown as mix)
5	Projected taxable value per acre exceeding \$1.5 million up to \$3 million ³	ALL	+2	2	
6	Projected taxable value per acre exceeding \$3 million up to \$10 million ³	ALL	+4		
7	Projected taxable value per acre exceeding \$10 million ³	ALL	+6		
8	Enhanced Usable Green/Open Space	ALL	+2		15% increase from the KDO (or successor ordinances) in required usable open/green space. May not be the same geographic area as Category #17.
9	Enhanced Landscaping	ALL	+2		15% increase from the KDO (or successor ordinances) in required landscaping. May not be the same geographic area as Category #16.
10	Tree Preservation	ALL	+5		Planning Department approval of a tree preservation plan that results in maintaining a minimum 30% of the pre-development tree canopy coverage of the entire site at the time of project completion. Applicant will provide an estimated tree coverage percentage of the site prior to construction, using updated aerial photography or other suitable techniques.
11	Trail or sidewalk connection to existing or planned public greenway, park other public spaces	ALL	+2		Including associated public easements or dedication of land and construction of the actual connection.



Exhibit C
WASTEWATER TREATMENT CAPACITY
ALLOCATION SCORING
NON-RESIDENTIAL MATRIX

Community Impact Bonus Points
(Choose All that apply from this table)

	Community Impact Category	Type	Points	Calc.	Notes
12	Connection to Recently Extended Utilities	ALL	+2		Project will connect to water and/or sewer lines upon which the City currently maintains some level of public debt.
13	City Services or Facilities Improved	ALL	+1 to 4		Project results in improvement to an existing City service above and beyond the benefit to the project (e.g., new park land, dedicated active open space, greenway construction). City must approve and accept any land/facility dedications.
14	City Infrastructure Improved	ALL	+1 to 4	3	Project results in and improvement to an existing City infrastructure above and beyond the benefit to the project (e.g., sewer line installation resulting in removal of existing pump station(s), looped water lines resulting in improved fire protection, better water quality or water pressure; traffic improvements beyond those required by a Traffic Impact Statement, expanded stormwater detention beyond minimum requirements).
15	Located in Targeted Growth Area	ALL	+2	2	Per 2030 Comprehensive Plan.
16	Project is located on an existing Rider bus route	ALL	+2	2	Project property line within 1000 feet of bus route right-of-way. (stop may need to be moved; shelter/enhancement needed)
17	Project is located in the Cannon Blvd, South Main St, North Main St, Dale Earnhardt Blvd, or Lane St corridors	ALL	+3	3	Adjacent to or with direct vehicular access to these streets. Cannon Blvd from southern City limits to northern City limits. South Main Street from Dale Earnhardt Blvd to Rogers Lake Road. North Main Street from North Loop Road to Kimball Street. Dale Earnhardt Blvd from Cannon Blvd to the city limits. Lane St from west to Old Salisbury-Concord Rd
18	Variance required	ALL	-3		
19	Amendment to the 2030 Comprehensive Plan required	ALL	-3		



Exhibit C
WASTEWATER TREATMENT CAPACITY
ALLOCATION
NON-RESIDENTIAL SCORING MATRIX

Community Impact Bonus Points
 (Choose All that apply from this table)

	Community Impact Category	Type	Points	Calc.	Notes
20	Pump Station Improvements required ²	ALL	-2		Subject to City policy and standards. Projects that fund these improvements will not be subject to the deduction of points and may be eligible for additional points for City infrastructure improvements.
21	New Pump Station(s) Required ²	ALL	-5		Subject to City policy and standards.

² The City Manager or designee may waive or reduce these deductions if the improvements are consistent with future utility service plans, replace/offline an aging station, or are in the best interest of the City.

³ Pre-construction estimates must be provided by licensed contractor or architect. Investment numbers may only include hard costs (e.g., no land values or design/permitting costs).



Order Confirmation

Order# 0000875130

PO Box 27283
Richmond, VA 23261-7283

Client: CITY OF KANNAPOLIS
Phone: 7049204300

Pavor : CITY OF KANNAPOLIS
Phone: 7049204300

Account: 3143368
Address: BRIDGETTE BELL
KANNAPOLIS NC 28081

Account: 3143368
Address: BRIDGETTE BELL
KANNAPOLIS NC 28081

Sales Rep **Accnt Rep** **Ordered By**
aboan hdrclifr Pam

Fax: 7049337463
Email: ap@kannapolisnc.gov

Total Amount \$428.72

Payment Amount \$428.72

Amount Due \$0.00

Tax Amount: 0.00

Payment Meth: Credit - Debit Card

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

<u>Ad Number</u>	<u>Ad Type</u>	<u>Ad Size</u>	<u>Color</u>
0000875130-01	CLS Legal	2 X 48 li	\$0.00

Production Method
AdBooker (liner)

Production Notes

<u>Product and Zone</u>	<u>Placement</u>	<u>Position</u>	<u># Inserts</u>
CON Independent Trib	C-Legal Ads	Legal Notices	2

Run Schedule Invoice Text: NOTICE OF PUBLIC HEARING KANNAPOLIS CITY

Run Dates 8/17/2024, 8/22/2024

<u>Product and Zone</u>	<u>Placement</u>	<u>Position</u>	<u># Inserts</u>
NCC Online	C-Legal Ads	Legal Notices	7

Run Schedule Invoice Text: NOTICE OF PUBLIC HEARING KANNAPOLIS CITY

Run Dates 8/17/2024, 8/18/2024, 8/19/2024, 8/20/2024, 8/21/2024, 8/22/2024, 8/23/2024

TagLine: NOTICEOFPUBLICHEARINGKANNAPOLISCITYCOUNCILMONDAYAUGUST262024NOTICEISGIVENTHATTH
EKANNAPOLISCITYCOUNCILCITYCOUNCILWILLCONDUCTAPU



NOTICE OF PUBLIC HEARING KANNAPOLIS CITY COUNCIL

Monday, August 26, 2024

NOTICE IS GIVEN that the Kannapolis City Council ("City Council") will conduct a public hearing relating to the City of Kannapolis ("City") entering into a Development Agreement pursuant to North Carolina General Statutes §§ 160D-1001 et seq with the following companies:

Cambridge Kannapolis, LLC ; (hereinafter, "Developer"). Pursuant to the Agreement, Developer intends to construct a grocery store anchored retail shopping center upon 6.9 acres of real property being Cabarrus County Tax Parcel ID # 56147242620000 (the "Property"); and

A copy of the proposed Agreement, including attachments, will be available for public inspection at the Office of the City Manager, located in Kannapolis City Hall, 401 Laureate Way, Kannapolis, North Carolina 28081, during regular business hours.

City Council will accept public input prior to voting on the required Development Agreement Ordinance.

The hearing will be held in the City Council Chambers located at City Hall, 401 Laureate Way, Kannapolis, North Carolina 28081, beginning at or after 6:00 p.m. on August 26, 2024. At the time and place fixed for this public hearing, the City will discuss the terms of the Development Agreement and related documents and the City Council will receive public comment on the Agreement.

Bridgette Bell, City Clerk
City of Kannapolis
North Carolina

Publish August 17 and August 22, 2024

**CITY OF KANNAPOLIS
RESOLUTION APPROVING AN ORDINANCE
TO ADOPT THE DEVELOPMENT AGREEMENT
BY AND AMONG**

**THE CITY OF KANNAPOLIS,
AND
CAMBRIDGE-KANNAPOLIS, LLC**

WHEREAS, N.C.G.S. §160D-1001 through §160D-1012 (the “Act”), authorizes municipalities to enter into development agreements with developers under the terms and conditions stated in the statutes; and

WHEREAS, the City of Kannapolis (“City”) and Cambridge-Kannapolis, LLC (“Developer”), have negotiated an agreement in accord with and under the authority of the cited statutes; and

WHEREAS, a public hearing was held on August 26, 2024, as set forth in N.C.G.S. §160D-1003 providing public review of the Development Agreement, as defined below; and

WHEREAS, the City finds that the Development Agreement is consistent with the Act, the City’s adopted policy guidance, and the Current Regulations, as defined in the Development Agreement, and is reasonable and in the public interest for the reasons set forth in the Development Agreement.

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

1. Pursuant to the authority granted to the City by Article 10 of Chapter 160D of the North Carolina General Statutes, the City hereby adopts the Development Agreement by the attached Ordinance.
2. This Ordinance is effective upon adoption.

Adopted this 26th day of August 2024.

Milton D. Hinnant, Mayor

ATTEST:

Bridgette Bell, MMC, NCCMC
City Clerk

**AN ORDINANCE TO ADOPT THE DEVELOPMENT AGREEMENT
BY AND AMONG**

THE CITY OF KANNAPOLIS, NORTH CAROLINA

CAMBRIDGE-KANNAPOLIS, LLC

WHEREAS, N.C.G.S. §160D-1001 through §160D-1012 (the “Act”), authorizes municipalities to enter into development agreements with developers under the terms and conditions stated in the statutes; and

WHEREAS, the City of Kannapolis (“City”) and Cambridge Kannapolis, LLC (“Developer”), have negotiated an agreement in accord with and under the authority of the cited statutes; and

WHEREAS, a public hearing was held on August 26, 2024, as set forth in N.C.G.S. §160D-1003 providing public review of the Development Agreement, as defined below; and

WHEREAS, the City finds that the Development Agreement is consistent with the Act, the City’s adopted policy guidance, and the Current Regulations, as defined in the Development Agreement, and is reasonable and in the public interest for the reasons set forth in the Development Agreement.

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

1. Pursuant to the authority granted to the City by Article 10 of Chapter 160D of the North Carolina General Statutes, the City hereby adopts the Development Agreement by and among the City and the Developer, attached hereto (the “Development Agreement”), and authorizes the Manager to execute the Development Agreement.
2. This Ordinance is effective upon adoption.

Adopted this 26th day of August, 2024.

Milton D. Hinnant, Mayor

Bridgette Bell, MMC, NCCMC
City Clerk



Kannapolis City Council

City Council Agenda Staff Report

August 26, 2024

To: Mayor and City Council

From: Mike Legg, City Manager, Brian Roberts, Finance Director, Kristin Jones, Assistant to the City Manager

Subject: **BUDGET AMENDMENT #25-08** - Appropriating Cash Reserves for Upfits at Public Works Operations Center **APPROVED**

Action Requested by City Council

Approve budget amendment # 25-08 which appropriates cash reserves for renovations and upfit costs at Public Works Operations Center.

Required Votes to Pass Required Action

Majority Present at Meeting

Background

This budget amendment budgets the following capital project funds for \$468,000 in General Fund funding for Public Works Operations Center at 25% of total project costs and \$1,406,250 (75%) of total project costs hitting the Water and Sewer Fund since most employees working at Public Works are housed in this fund. This project is a large capital project that spans over multiple fiscal years, may have debt proceeds or outside funding (grants) and therefore will be set up in a separate capital project fund.

Some of the key renovations include:

1. Architectural design – to better improve the imprint of the facility to better fit all departments and operations associated.
2. Updating plumbing
3. Updating HVAC System - new duct and new exhaust, as well as new boiler.
4. Renovation of offices, restrooms, locker rooms, shops, meeting rooms, lobby area, break room.
5. Replacement of all interior and exterior doors, to include all passenger entry's and exits and mechanical roll up doors.
6. Adding a large wash bay for the washing of oversize 20-ton trucks, jet vac, back hoes, lawn equipment etc.
7. Adding 6 bays for vehicles that must be stored inside during cold weather.
8. Repaving the motor pool area.
9. Gating of the entire facility - and adding card access to enter the premises.
10. Expand the fuel Island which currently includes 4 pumps. This would increase to 8 as there are more vehicles in the fleet (and more departments) than when the building was originally constructed.
11. Add an additional building generator to support the entire facility.

Fiscal Implications

An appropriation of fund balance is required in the General Fund and the Water and Sewer Fund to fund the renovation costs at Public Works.

Policy Issues

None.

Legal Issues

None.

Recommendations and Alternate Courses of Action

1. **Motion to approve budget amendment # 25-08 which appropriates cash reserves for renovation and upfit costs at Public Works Operations Center (recommended).**
2. Take no action.
3. Table to a future meeting.

Attachments

1. Capital Project Funds for Strategic Plan Projects (PWOC)

**ORDINANCE AMENDING BUDGET FOR THE
CITY OF KANNAPOLIS, NORTH CAROLINA
FOR THE FISCAL YEAR BEGINNING JULY 1, 2024
AND ENDING JUNE 30, 2025
Amendment # 25-08**

BE IT ORDAINED by the City Council of the City of Kannapolis, North Carolina meeting in open session this 26th day of August 2024, that the following amendment to the Budget Ordinance for the City of Kannapolis, North Carolina for the Fiscal Year beginning July 1, 2024, and ending June 30, 2025, is hereby adopted:

Description: This budget amendment budgets the following capital project funds for:

- \$468,000 in General Fund funding for Public Works Operations Center at 25% of total project costs and \$1,406,250 (75%) of total project costs hitting the Water and Sewer Fund since most employees working at Public Works are housed in this fund.

SECTION I– GENERAL FUND

Revenue:	Increase: Fund Balance Appropriation Revenue: 19900-39900	\$ 468,750
Expenditure:	Increase: Transfer to Capital Project Fund Expenditure: 19000-57200	\$ 468,750

SECTION II– WATER AND SEWER FUND

Revenue:	Increase: Fund Balance Appropriation Revenue: 39900-39900	\$ 1,406,250
Expenditure:	Increase: Transfer to Capital Project Fund Expenditure: 39000-57200	\$ 1,406,250

SECTION III– PUBLIC WORKS OPERATIONS CENTER- PHASE I

Revenue:	Increase: Transfer from General Fund: Revenue: 34000-39200-PWOC1	\$ 468,750
Revenue:	Increase: Transfer from Water and Sewer Revenue: 34000-39500-PWOC1	\$ 1,406,250
Expenditure:	Increase: Capital: Public Works Ops. Center Expenditure: 34000-59200-PWOC1	\$ 1,875,000

This ordinance is approved and adopted on this 26th day of August 2024.

Milton D. Hinnant, Mayor

ATTEST:

Bridgette Bell, MMC, NCCMC
City Clerk



Kannapolis City Council

City Council Agenda Staff Report

August 26, 2024

To: Mayor and City Council

From: Mike Legg, City Manager, Brian Roberts, Finance Director, Kristin Jones, Assistant to the City Manager

Subject: **BUDGET AMENDMENT #25-07** - Appropriating Cash Reserves for Initial Planning and Design for the Eastside Park. **APPROVED**

Action Requested by City Council

Approve budget amendment # 25-07 which appropriates cash reserves for planning and design for the Eastside Park.

Required Votes to Pass Required Action

Majority Present at Meeting

Background

This budget amendment budgets the following capital project funds for \$397,500 in planning and design for Eastside Park. A capital project fund is set up for this project because of the cost, it spanning over multiple fiscal years and the need to go issue debt for this project. The City is also pursuing a State PARTF grant in the amount of \$500,000 for this project. If awarded, this grant coupled with debt proceeds will be appropriated to the project fund to fund the remaining costs of this project. This project is a large capital project that spans over multiple fiscal years, may have debt proceeds or outside funding (grants) and therefore will be set up in a separate capital project fund.

The project will consider of the construction of a 33-acre City owned Midlake Road property with Lake Fisher frontage. The project will be a passive park including open space, lake access (paddle boats), walking paths/sidewalks, greenway/nature trails, playground, picnic shelters, splashpad, dog park, restrooms, and parking. Attached is the preliminary design that was submitted with the PARTF Grant application..

Fiscal Implications

An appropriation of fund balance is required to fund the initial planning and design costs in the amount of \$397,500. This funding is then transferred to a capital project fund set up specifically for Eastside Park.

Policy Issues

None.

Legal Issues

None.

Recommendations and Alternate Courses of Action

1. **Motion to approve budget amendment # 25-07 which appropriates cash reserves for planning and design for the Eastside Park (recommended).**
2. Take no action.
3. Table to a future meeting.

Attachments

1. Capital Project Funds for Strategic Plan Projects (Eastside Park)
2. Eastside Park PARTF Site Plan 2024

**ORDINANCE AMENDING BUDGET FOR THE
CITY OF KANNAPOLIS, NORTH CAROLINA
FOR THE FISCAL YEAR BEGINNING JULY 1, 2024
AND ENDING JUNE 30, 2025
Amendment # 25-07**

BE IT ORDAINED by the City Council of the City of Kannapolis, North Carolina meeting in open session this 26th day of August 2024, that the following amendment to the Budget Ordinance for the City of Kannapolis, North Carolina for the Fiscal Year beginning July 1, 2024, and ending June 30, 2025, is hereby adopted:

Description: This budget amendment budgets the following capital project funds for:

- \$397,500 in planning and design for Eastside Park. A capital project fund is set up for this project because of the cost, it spanning over multiple fiscal years and the need to go out for debt service for this project. We are also pursuing a PARTF grant in the amount of \$500,000 for this project. If awarded, this grant coupled with debt proceeds will be appropriated to the project fund to fund the remaining costs of this project.

SECTION I– GENERAL FUND

Revenue:	Increase: Fund Balance Appropriation Revenue: 19900-39900	\$ 397,500
Expenditure:	Increase: Transfer to Capital Project Fund Expenditure: 19000-57200	\$ 397,500

SECTION II– EASTSIDE PARK (FUND 237)

Revenue:	Increase: Transfer from the General Fund Revenue: 23790-39200	\$ 397,500
Expenditure:	Increase: Eastside Park: Contracted Services Expenditure: 23790-48000	\$ 397,500

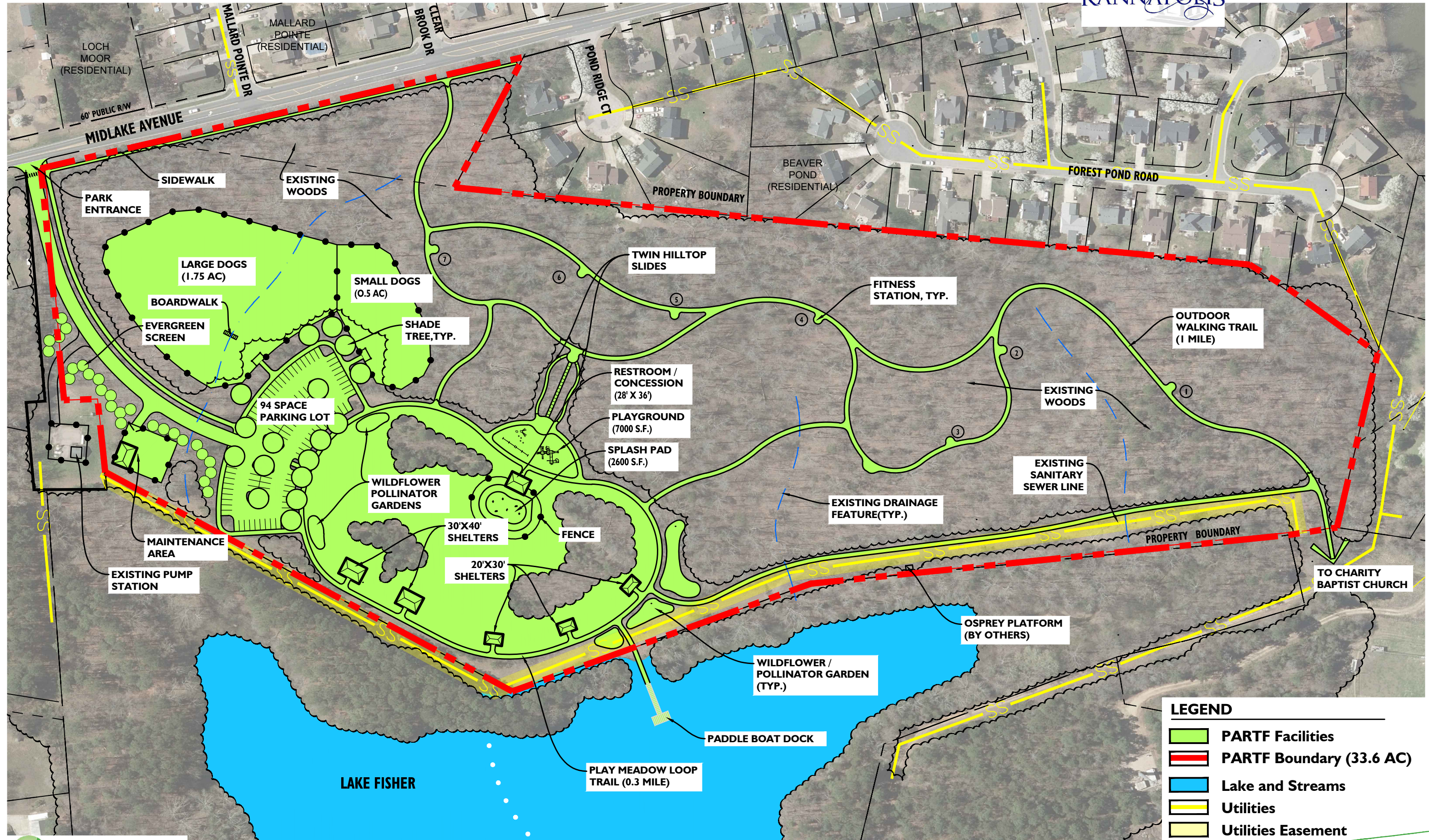
This ordinance is approved and adopted on this 26th day of August 2024.

Milton D. Hinnant, Mayor

ATTEST:

Bridgette Bell, MMC, NCCMC
City Clerk

Kannapolis, NC





Kannapolis City Council

City Council Agenda Staff Report

August 26, 2024

To: Mayor and City Council

From: Mike Legg, City Manager, Brian Roberts, Finance Director, Kristin Jones, Assistant to the City Manager

Subject: **BUDGET AMENDMENT # 25-06** - Appropriating Cash Reserves for Initial Planning and Design Concepts for the Revitalization of Midway . **TABLED TO SEPTEMBER 9, 2024**

Action Requested by City Council

Approve budget amendment # 25-06 which appropriates cash reserves for initial planning and design concepts for the revitalization of Midway.

Required Votes to Pass Required Action

Majority Present at Meeting

Background

This budget amendment includes \$250,000 for Midway Revitalization - Phase I planning and design. This project is a large capital project that spans over multiple fiscal years, may have debt proceeds or outside funding (grants) and therefore will be set up in a separate capital project fund.

Attached is the Imagine Kannapolis Focus Group presentation to City Council from November 2022 which provides a general framework for the revitalization process. At a high level, the key project goals that were presented to City Council at that time included:

- Definition of anchors (i.e., skatepark, pickleball franchise, museums, other sports-related projects).
- Identify key public investments (sidewalks, parking facilities, streetscaping).
- Develop a strategy for private investment (existing and future property owners).

Significant professional services are needed to put together this initial revitalization strategy. These include land designers, architects, and economists.

Fiscal Implications

An appropriation of fund balance is required to fund the initial planning and design costs in the amount of \$250,000. This funding is then transferred to a capital project fund set up specifically for the Midway Revitalization efforts.

Policy Issues

None.

Legal Issues

None.

Recommendations and Alternate Courses of Action

1. **Motion to approve budget amendment #25-06 which appropriates cash reserves for initial planning and design concepts for the revitalization of Midway (recommended).**
2. Take no action.
3. Table to a future meeting.

Attachments

1. Capital Project Funds for Strategic Plan Projects (Midway)
2. Midway-N Kannapolis-Council Presentation 11-14-22

**ORDINANCE AMENDING BUDGET FOR THE
CITY OF KANNAPOLIS, NORTH CAROLINA
FOR THE FISCAL YEAR BEGINNING JULY 1, 2024
AND ENDING JUNE 30, 2025
Amendment # 25-06**

BE IT ORDAINED by the City Council of the City of Kannapolis, North Carolina meeting in open session this 26th day of August 2024, that the following amendment to the Budget Ordinance for the City of Kannapolis, North Carolina for the Fiscal Year beginning July 1, 2024, and ending June 30, 2025, is hereby adopted:

Description: This budget amendment budgets the following capital project funds for:

- \$250,000 in planning and design for Midway. A capital project fund is set up for this project because of the cost, it spans over multiple fiscal years and the need to potentially go out for debt service related to this project. There also could be CDBG funds tied to this project.

SECTION I– GENERAL FUND

Revenue:	Increase: Fund Balance Appropriation Revenue: 19900-39900	\$ 250,000
Expenditure:	Increase: Transfer to Capital Project Fund Expenditure: 19000-57200	\$ 250,000

SECTION II– MIDWAY REVITALIZATION EFFORTS (FUND 236)

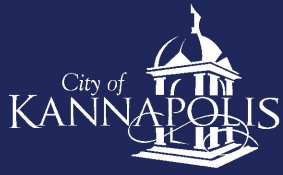
Revenue:	Increase: Transfer from the General Fund Revenue: 23690-39200	\$ 250,000
Expenditure:	Increase: Midway: Contracted Services Expenditure: 23690-48000	\$ 250,000

This ordinance is approved and adopted on this 26th day of August 2024.

Milton D. Hinnant, Mayor

ATTEST:

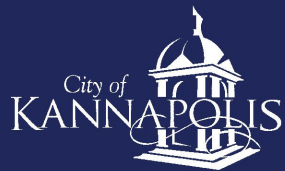
Bridgette Bell, MMC, NCCMC
City Clerk



Midway & N. Kannapolis Focus Group

City Council Update
November 14, 2022





Midway & North Kannapolis Revitalization



Primary Focus Group

Staff-Driven
(with Consultants)

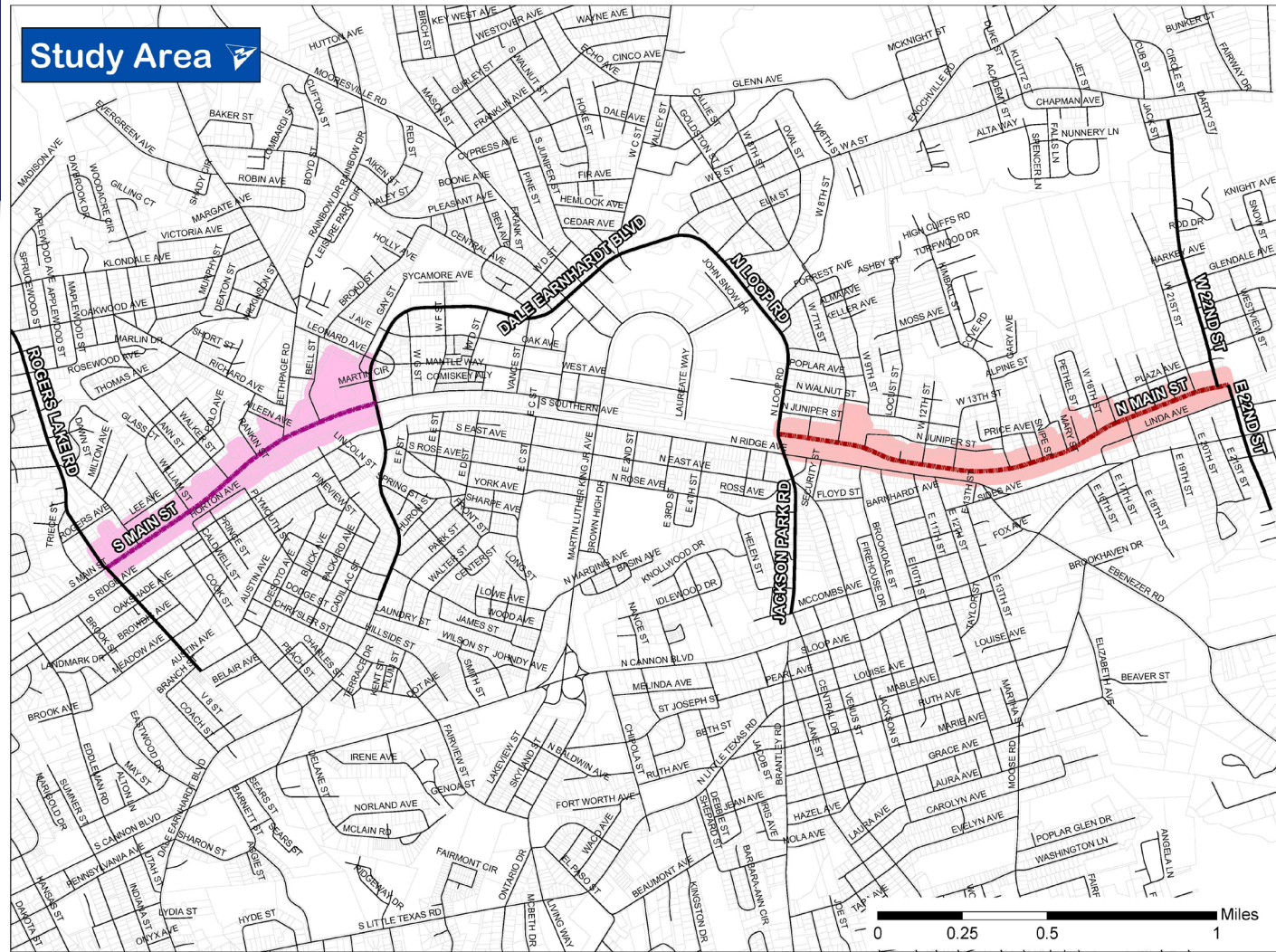
kannapolisnc.gov

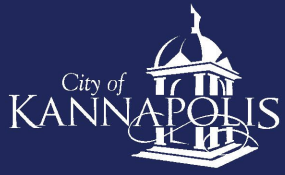
Expected Outcomes: Establishment of an overall vision and plan for the redevelopment of both Midway and North Kannapolis including:

- The definition of anchors – especially in Midway (i.e., skatepark, pickleball franchise, museums, other sports-related projects).
- Key public investments (sidewalks, parking facilities, streetscaping)
- Strategy for private investment (existing and future property owners).

Likely Cost of Implementation: Very High

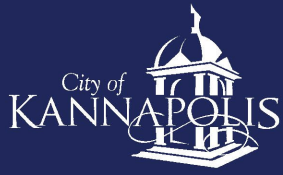
Irene Sacks and Richard Smith, Staff co-leads

Study Area 



Opportunity Site Identification Analysis – Scope of Work

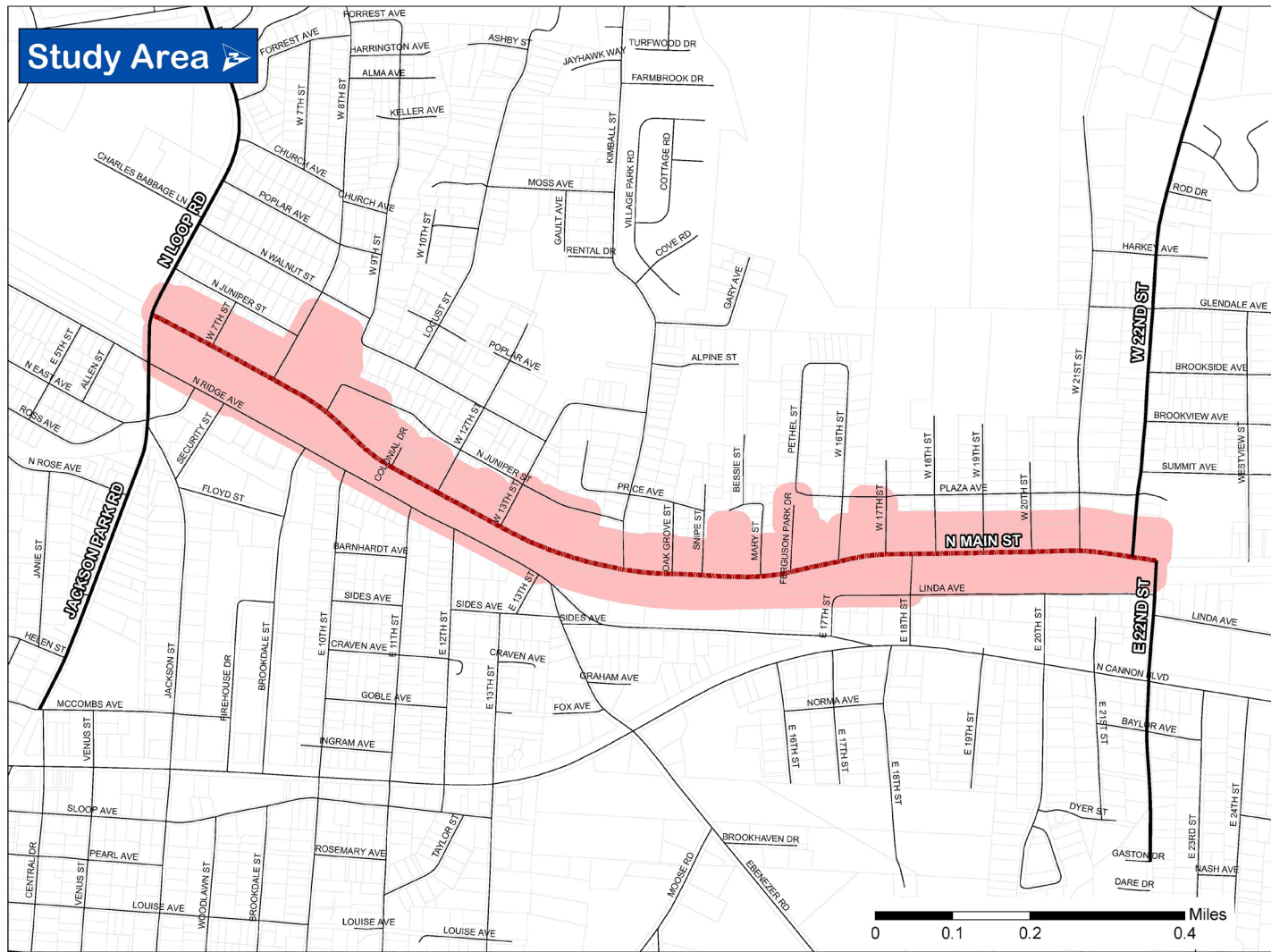
- Conduct a community scan of demographic and socioeconomic data, and any previous plans and studies that have been done for these areas.
- Conduct parcel analysis to understand sales trends, land use, ownership, and underutilization.
- Conduct small group community engagement to understand stakeholder priorities and input for redevelopment for these areas.
- Conduct market research and analysis to assess development demand, market feasibility, and demand drivers.

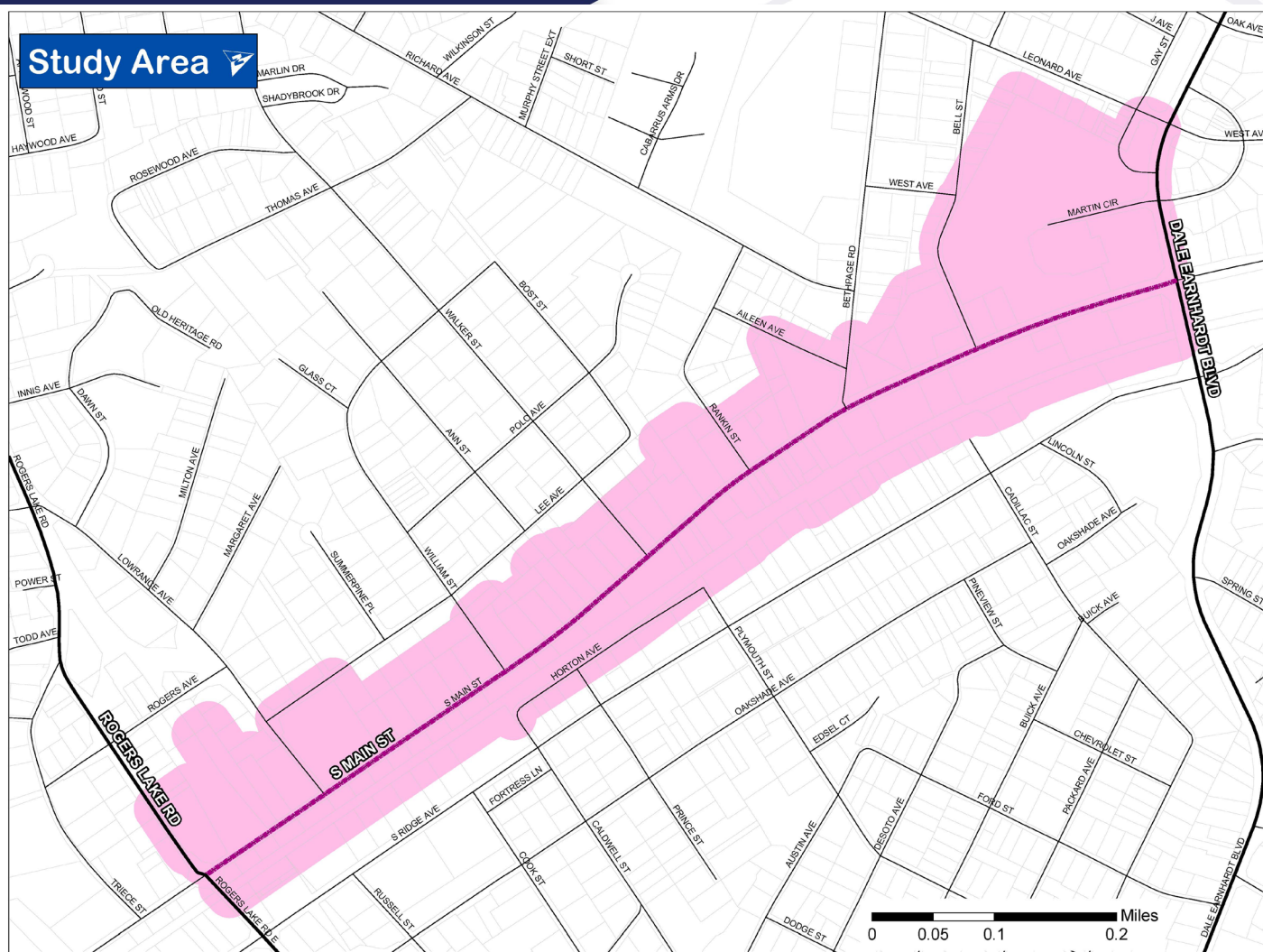


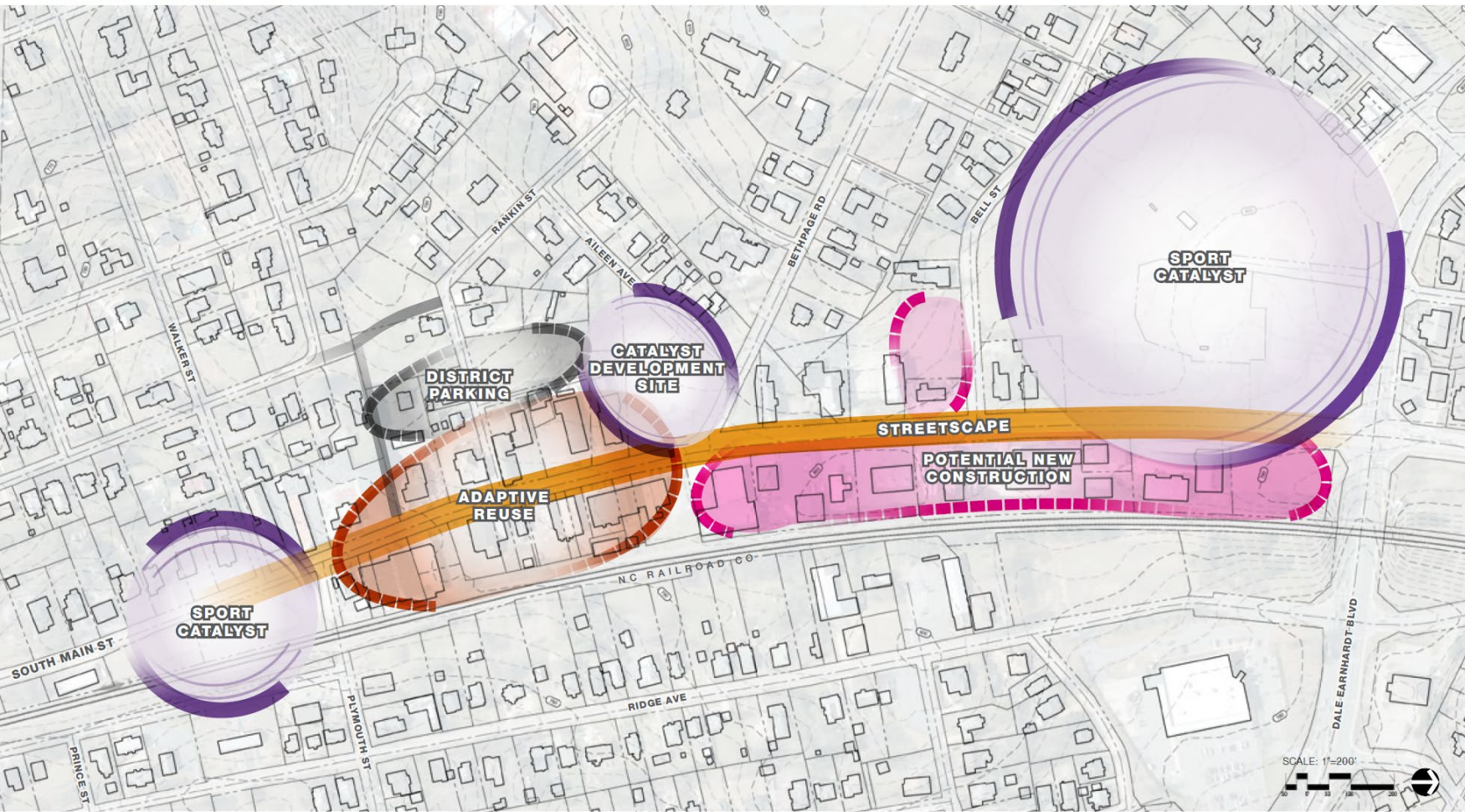
Opportunity Site Identification Analysis – Scope of Work

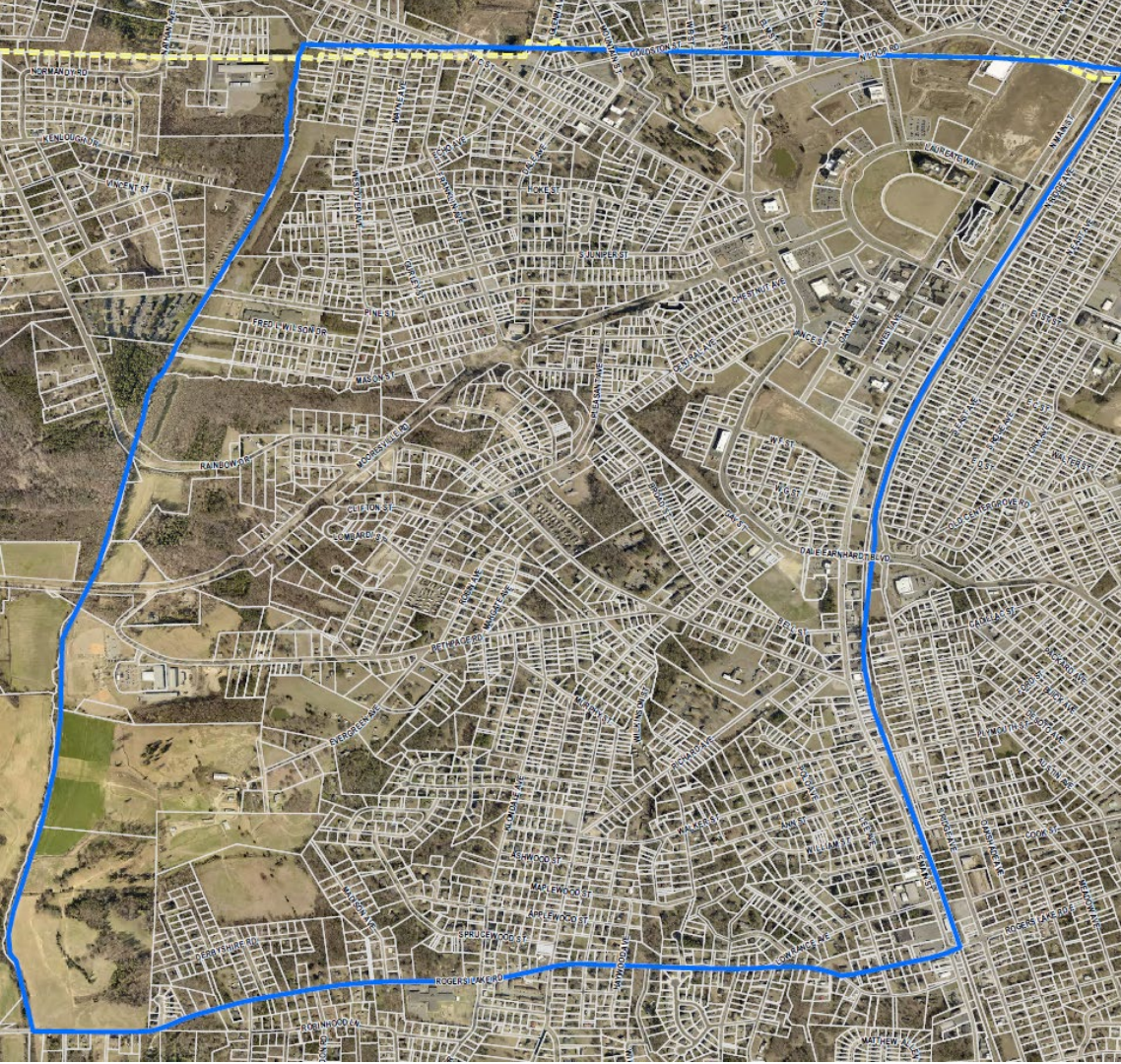
- Conduct high-level site analysis of physical features and infrastructure to understand development opportunities and constraints.
- Identify up to five development opportunity sites within the Project Areas.
- Conduct high-level financial analysis to generally determine feasibility of development on these opportunity sites.
- Prioritize the key development opportunities based on this information and make recommendations related to the sites and the overall revitalization strategy for the Project Areas.

Start: December 2022

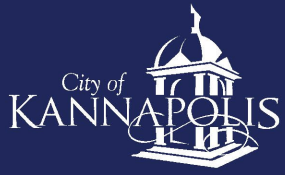






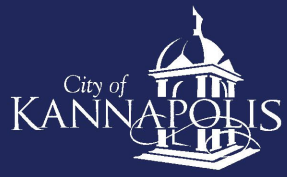


Opportunity Zone Designation



Potential Future Steps

- Define activity centers and anchors
- Determine key public investments
- Develop a strategy for attracting private investment, including acquisition, incentives, etc.
- Develop a streetscape plan



Q&A and Discussion