



**CITY COUNCIL
BUSINESS MEETING
ACTION AGENDA
KANNAPOLIS CITY HALL
401 LAUREATE WAY, KANNAPOLIS, NC
DECEMBER 9, 2024
6:00 PM**

Please Turn off Cell Phones or Place on Silent Mode.

CALL TO ORDER AND WELCOME

MOMENT OF SILENT PRAYER AND PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA - Motion to Adopt Agenda or make revisions

INSTALLATION CEREMONY

- A. **MAYOR PRO TEMPORE** - Election of a new Mayor Pro Tempore Dianne Berry
Elected Mayor Pro Tempore for 2025 (Darrell Hinnant, Mayor)
- B. **ADMINISTRATION** - Oath of Office Mayor Pro Tempore (Bridgette Bell, City Clerk)

RECOGNITIONS

- A. Recognition of retiring City Clerk, Bridgette Bell (Darrell Hinnant, Mayor, Mike Legg, City Manager)

CONSENT AGENDA - Motion to Adopt Consent Agenda or make revisions

- A. **RESOLUTION** - Motion to approve a Resolution adopting a meeting schedule for the year 2025 Council meetings. **APPROVED UNANIMOUS** (Bridgette Bell, City Clerk)
- B. **ORDINANCE** - Motion to adopt an Ordinance amending Schedule 10(a) and 10(b) Passenger and Commercial Vehicle Loading Zone of the City of Kannapolis Traffic Control Schedule. **APPROVED UNANIMOUS** (Michael Rattler, Director of Transportation & Environmental Services)
- C. November 25, 2024 Regular Meeting Minutes and Closed Session Minutes **APPROVED UNANIMOUS** (Bridgette Bell, City Clerk)

BUSINESS AGENDA

- A. **PRESENTATION** - Fiscal Year Audit Ending 2024 **NO ACTION REQUIRED. PRESENTATION ONLY** (Brian Roberts, Finance Director)
- B. **WASTEWATER ALLOCATIONS POLICY** - Motion to approve a Resolution

approving an Ordinance to amend the Wastewater Allocation Policy **APPROVED UNANIMOUS** (Alex Anderson, Director of Water Resources, Richard Smith, Planning Director, Elizabeth Hassenfritz, Director of Engineering)

- C. **APPOINTMENT** - Motion to appoint an Elected Official and Alternate to serve a one-year term on the Board of Delegates of the Centralina Regional Council. **APPOINTED MAYOR HINNANT AND MRS. JEANNE DIXON AS ALTERNATE** (Mike Legg, City Manager)
- D. **APPOINTMENTS** - Motion to appoint Representatives to the Transportation Advisory Committee (TAC) and the Technical Coordinating Committee (TCC) of the Cabarrus-Rowan Urban Metropolitan Planning Organization (CRMPO) for the year 2025. **COUNCIL MEMBERS DAYVAULT AND WILSON (TAC). RICHARD SMITH AND BETH HASSENFRITZ (TCC)** (Mike Legg, City Manager)
- E. **INTERLOCAL AGREEMENT** - Motion to approve an Interlocal Agreement between City of Kannapolis and City of Concord for the I-85 Monument Project and adopt a Budget Ordinance amendment. **APPROVED UNANIMOUS** (Walter Safrit, City Attorney, Annette Privette Keller, Director of Communications, Wilmer Melton, Assistant City Manager)

CITY MANAGER REPORT

CITY COUNCIL COMMENTS

SPEAKERS FROM THE FLOOR

MOTION TO ADJOURN

ADA Notice

In accordance with Title II of the Americans with Disabilities Act (ADA), any person requiring an accommodation to participate in a function or program of the City of Kannapolis should contact Daniel Jenkins, Assistant Human Resources Director & ADA Coordinator by phone at 704-920-4312, email adacoordinator@kannapolisnc.gov, or in person at Kannapolis City Hall as soon as possible, but not later than forty-eight (48) hours prior.



Kannapolis City Council

City Council Agenda Staff Report
December 9, 2024

To: Mayor and City Council
From: Darrell Hinnant, Mayor
Subject: **MAYOR PRO TEMPORE** - Election of a new Mayor Pro Tempore Dianne Berry
Elected Mayor Pro Tempore for 2025

Action Requested by City Council

Elect a new Mayor Pro Tempore to serve for the year 2025

Required Votes to Pass Required Action

Majority Present at Meeting

Background

In accordance with NCGS 160A-70. *Mayor Pro Tempore; disability of Mayor. "At the organizational meeting, the Council shall elect from among its members a Mayor Pro Tempore to serve at the pleasure of the Council. A Councilman serving as Mayor Pro Tempore shall be entitled to vote on all matters and shall be considered a Councilman for all purposes, including the determination of whether a quorum is present. During the absence of the Mayor, the Council may confer upon the mayor pro tempore any of the powers and duties of the Mayor."*

Following each municipal election year, the City Council will usually hold their organizational meeting and elect a Mayor Pro Tempore. Prior to 2013, the Mayor Pro Tempore was selected by a majority of City Council at an organizational meeting and served for two years. No formal procedure was ever adopted by any previous City Council, but a simple nomination process and vote was held at those meetings.

In 2013, Mayor Hinnant presented the idea of holding an election each year, allowing everyone an opportunity to serve. There was no objection from Councilmembers. The following is a list of the past Councilmembers who have served as Mayor Pro Tempore:

2014 - Roger Haas
2015 - Ryan Dayvault
2016 - Tom Kincaid
2017 - Doug Wilson
2018 - Dianne Berry
2019 - Roger Haas
2020 - Van Rowell
2021 - Darrell Jackson
2022 - Ryan Dayvault
2023 - Tom Kincaid
2024- Doug Wilson

At the meeting Monday night, Mayor Hinnant will open the floor and call for the nomination of Mayor

Pro Tempore. Once all nominations have been received, the floor will be closed for nominations. Votes will be taken by those nominated.

Fiscal Implications

None

Policy Issues

None

Legal Issues

In accordance with NCGS 160A-70. *Mayor Pro Tempore; disability of Mayor.* During the organizational meeting, the Council shall elect from among its members a Mayor Pro Tempore to serve at the pleasure of Council.

Recommendations and Alternate Courses of Action

1. **Elect a new Mayor Pro Tempore (Recommended)**
2. Table action to a future meeting

Attachments

None



Kannapolis City Council

City Council Agenda Staff Report
December 9, 2024

To: Mayor and City Council
From: Bridgette Bell, City Clerk
Subject: **ADMINISTRATION** - Oath of Office Mayor Pro Tempore

Action Requested by City Council

City Clerk, Bridgette Bell will administer the Oath of Office to the newly elected Mayor Pro Tempore.

Required Votes to Pass Required Action

Background

None

Fiscal Implications

None

Policy Issues

None

Legal Issues

§ 160A-61. Oath of office. Every person elected by the people or appointed to any city office shall, before entering upon the duties of the office, take and subscribe the oath of office prescribed in Article VI, § 7 of the Constitution. Oaths of office shall be administered by some person authorized by law to administer oaths, and shall be filed with the city clerk. (R.C., c. 111,s. 12; Code,s. 3799; Rev.,s. 2920; C.S., s. 2628; 1971, c. 698, s. 1.)

Recommendations and Alternate Courses of Action

None

Attachments

None



Kannapolis City Council

City Council Agenda Staff Report
December 9, 2024

To: Mayor and City Council
From: Darrell Hinnant, Mayor, Mike Legg, City Manager
Subject: Recognition of retiring City Clerk, Bridgette Bell

Action Requested by City Council

None.

Required Votes to Pass Required Action

Presentation Only. No Action Required

Background

This recognition is to honor and celebrate Bridgette Bell, who has served 37 years as the Kannapolis City Clerk and is retiring on December 27, 2024. Bridgette has served our City faithfully and effectively for all of her nearly four-decade career. As we celebrate the City's forty year anniversary it is notable that Bridgette has played a major role in shaping our City in all but a few of those years.

Several items of recognition will be presented at this meeting.

Fiscal Implications

None.

Policy Issues

None.

Legal Issues

None.

Recommendations and Alternate Courses of Action

None. Presentation only.

Attachments

None



Kannapolis City Council

City Council Agenda Staff Report
December 9, 2024

To: Mayor and City Council
From: Bridgette Bell, City Clerk
Subject: **RESOLUTION** - Motion to approve a Resolution adopting a meeting schedule for the year 2025 Council meetings. **APPROVED UNANIMOUS**

Action Requested by City Council

Motion to approve a Resolution setting forth a meeting schedule for the City Council for the year 2025

Required Votes to Pass Required Action

Majority Present at Meeting

Background

In accordance with NCGS 160A-71(a), the City Council shall fix the time and place for its regular meetings. It is recommended that Council approve a Resolution setting a meeting schedule for the year 2025.

Fiscal Implications

None

Policy Issues

None

Legal Issues

NCGS 160A-71(a) requires that the City Council fix the time and place for its regular meetings.

Recommendations and Alternate Courses of Action

1. **Motion to approve a Resolution setting forth a meeting schedule for the City Council for the year 2025 (Recommended).**
2. Revise the Resolution with a new meeting schedule
3. Defer action to a future meeting.

Attachments

1. Resolution_adopting_2025_meeting_schedule
2. Meeting Schedule for 2025

**RESOLUTION
ADOPTING A REGULAR MEETING SCHEDULE
OF THE KANNAPOLIS CITY COUNCIL
FOR THE YEAR 2025**

BE IT RESOLVED by the Kannapolis City Council, pursuant to North Carolina General Statute 160A-71 (a) except as otherwise provided herein that the following regular meeting schedule of the Kannapolis City Council is hereby adopted:

1. The Kannapolis City Council shall hold a Work Session on the Second Monday of each month beginning at 4:30 PM and held at the Kannapolis City Hall, Council Chambers, located at 401 Laureate Way, Kannapolis, NC.
2. The Kannapolis City Council shall hold a Business Meeting on the Fourth Monday of each month beginning at 6:00 PM and held at the Kannapolis City Hall, Council Chambers, located at 401 Laureate Way, Kannapolis, NC.

BE IT FURTHER RESOLVED, that the regular meeting schedule previously adopted by the City Council is hereby rescinded in favor of the schedule set forth in this Resolution.

BE IT FURTHER RESOLVED, this regular meeting schedule shall be effective immediately and shall continue in effect unless and until it is revoked or amended by action of the City Council.

Adopted this 9th day of December, 2024.

Milton D. Hinnant
Mayor

Bridgette Bell, MMC, NCCMC
City Clerk



**KANNAPOLIS CITY COUNCIL
REVISED MEETING SCHEDULE 2025
Effective 01-13-2025**

January 13	Work Session	4:30 PM
January 27	Business Meeting	6:00 PM
February 10	Work Session	4:30 PM
February 24	Business Meeting	6:00 PM
March 10	Work Session	4:30 PM
March 24	Business Meeting	6:00 PM
April 14	Work Session	4:30 PM
April 28	Business Meeting	6:00 PM
May 12	Work Session	4:30 PM
May 19*	Business Meeting	6:00 PM
May 26	Memorial Day –	Meeting Cancelled
June 9	Business Meeting	6:00 PM
June 23	Business Meeting	6:00 PM
July 14	Work Session	4:30 PM
July 28	Business Meeting	6:00 PM
August 11	Work Session	4:30 PM
August 25	Business Meeting	6:00 PM
September 8	Work Session	4:30 PM
September 22	Business Meeting	6:00 PM
October 13	Work Session	4:30 PM
October 27	Business Meeting	6:00 PM
November 10	Work Session	4:30 PM
November 24	Business Meeting	6:00 PM
December 8	Business Meeting	6:00 PM

CHANGES NOTED BY BOLD (*)

All meetings will be held in the Council Chambers, Kannapolis City Hall located at 401 Laureate Way, Kannapolis.



Kannapolis City Council

City Council Agenda Staff Report
December 9, 2024

To: Mayor and City Council

From: Michael Rattler, Director of Transportation & Environmental Services

Subject: **ORDINANCE** - Motion to adopt an Ordinance amending Schedule 10(a) and 10(b) Passenger and Commercial Vehicle Loading Zone of the City of Kannapolis Traffic Control Schedule. **APPROVED UNANIMOUS**

Action Requested by City Council

Motion to approve an Ordinance amending Schedules 10(a) and 10(b) Passenger and Commercial Vehicle Loading Zone.

Required Votes to Pass Required Action

Majority Present at Meeting

Background

The City of Kannapolis Traffic Control Schedule adopted by the City Council on March 23, 1987, established as the official traffic schedule of the City of Kannapolis. West Ave Linear Park provides for travel and vehicle parking for visitors to the venue and shopping area. The proposed amendments to the Schedules 10(a) and 10(b) Passenger and Commercial Vehicle Loading Zone will allow parking for dropping off and picking up of passengers and orders. This change will make the process more efficient and create easier access to the area.

Fiscal Implications

In order for traffic controls to be enforced, it is necessary that City Council approve the proposed traffic control amendments as presented.

Policy Issues

The approval of this recommendation will be consistent with the policy of the City Council to adopt regulations that will provide for the safe and convenient flow of traffic in the City of Kannapolis.

Legal Issues

In accordance with NCGS 160A-77(b1), the City of Kannapolis is authorized to adopt traffic schedules listing certain streets, parts of streets, or public vehicular areas at which and certain times to which specific traffic and parking regulations and restrictions apply.

Pursuant to the City of Kannapolis Traffic and Parking Ordinance, certain regulations and restrictions are to be set upon official traffic schedules, as may be amended from time to time by the City Manager under the authority of the Traffic and Parking Ordinance or by City Council.

Recommendations and Alternate Courses of Action

- 1. Motion to approve an Ordinance amending Schedules 10(a) and 10(b) Passenger and Commercial Vehicle Loading Zone (Recommended).**
2. Table matter to a future meeting.
3. Take No Action.

Attachments

1. Amendment of Loading Zone 2024-11-15 for Schedules 10(a) and 10(b) updated 09 December 2024 MAP
2. Schedule 10(a) Passenger Loading Zone 09 Dec 2024
3. Schedule 10(b) Commercial Vehicle Loading Zone Updated 09 Dec 2024
4. Ordinance Declaration 09 Dec 2024 Ordinance - Schedule 10(a) Passenger Loading Zone (Amended)
5. Ordinance Declaration 09 Dec 2024 Ordinance - Schedule 10(b) Commercial Vehicle Loading Zone (Amended)

Loading Zone

for Towel City Tavern, Studio Lofts,
and Cannon Ballers Team Store

15 Minute
Loading Zone



Schedule 10(a) Passenger Loading Zone	
Street	Location
West Ave	Front of 126 West Ave ROW 1 parking space, approx. center of structure

Schedule 10(b) Commercial Loading Zone

Street	Location
West A Street	South side from 135 feet east of West Ave east for 60 feet
Laureate Way	South side from 50 feet east of West Ave east for 124 feet
Cannon Baller Way	South side from 50 feet west of West Ave west for 66 feet
Cannon Baller Way	South side from 25 feet east of West Ave east for 44 feet
S. Main Street	
West Ave	Front of 126 West Ave ROW 1 parking space, approx. center of structure

ORDINANCE

BE IT ORDAINED that Section 10-121 of the Code of the City of Kannapolis is hereby amended by modifying Schedule 10 (a) Passenger Loading Zone of the Traffic Control Schedule as follows:

Declare the Following Commercial Loading Zone

Front of 126 West Avenue, 1 Parking Space, Approximate Center of Structure

Adopted this 9th day of December 2024.

Milton D. Hinnant, Mayor

ATTEST:

Bridgette Bell, MMC, NCCMC, City Clerk

ORDINANCE

BE IT ORDAINED that Section 10-121 of the Code of the City of Kannapolis is hereby amended by modifying Schedule 10(b) Commercial Vehicle Loading Zone of the Traffic Control Schedule as follows:

Declare the Following Commercial Loading Zone

Front of 126 West Avenue, 1 Parking Space, Approximate Center of Structure

Adopted this 9th day of December 2024.

Milton D. Hinnant, Mayor

ATTEST:

Bridgette Bell, MMC, NCCMC, City Clerk

**CITY OF KANNAPOLIS
CITY COUNCIL MEETING
BUSINESS MEETING MINUTES
November 25, 2024**

A regular business meeting of the City Council of the City of Kannapolis was held on Monday, November 25, 2024, at 6:00 PM at the Kannapolis City Hall located at 401 Laureate Way, Kannapolis, NC.

CITY COUNCIL MEMBERS PRESENT:

Mayor: Milton D. Hinnant

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

Council Members Absent: None

City Manager: Mike Legg

Assistant to the City Manager: Kristin Jones

Assistant to the City Manager: Tina Cline

Assistant City Manager: Wilmer Melton

City Clerk: Bridgette Bell

City Attorney: Walter M. Safrit

Staff Present:	David Jordan	Tony Eury
	Terry Spry	Alex Anderson
	Gary Mills	Betsy Barnette
	Kirk Beard	Richard Smith
	Gerald Faulkner	Brian Roberts
	Terry Spry	Annette Privette Keller
	TJ Cook	Michael Rattler

Others Present:	Jerry Anderson	Jayne Williams
	Jeeter Anderson	Jay Daniels
	Josh Taylor	Sylvia Gause
	Utakailah Gause	Ron Flanders
	Dawn Hucks	Rhakeem Vanderburg
	Leslie Vanderburg	Joe Hatley

Phil Goodman Dianne Browder-Boswell
Theron Smotherson Pam Smith
Judy Stirewalt Wayne Stirewalt
Tonda Childers Rhonda Jones
Auja Cason Delecia Bradley-Francis
Madison McMahan Ayden Sniffin
Tamara Corriher Gina Hagan
Michelle Taylor Emily Watkins
Yolanda Cook Dr. Joanne Chesley
Anita Blakeney Zac Erwin
Nettie Haynie

CALL TO ORDER AND WELCOME:

Mayor Hinnant called the meeting to order and welcomed all in attendance.

MOMENT OF SILENT PRAYER AND PLEDGE OF ALLIGIANCE.

Mayor Hinnant led a moment of silent prayer and Council Member Kincaid offered the Pledge of Allegiance.

ADOPTION OF THE AGENDA- Motion to adopt agenda or make revisions

Council Member Jackson made a motion to approve the agenda. The motion was seconded by Council Member Dixon and approved by unanimous vote.

RECOGNITIONS:

Peacock Award

Deputy City Manager Eddie Smith announced that the prestigious Peacock Award is voted by the participants of the academies. This year the award is presented to the Parks and Recreation Department.

2024 Kannapolis 101 Resident Graduates (Annette Privette-Keller, Director of Communications and Betsy Barnette)

Twenty-five residents of Kannapolis were curious enough about how our city government works that they dedicated ten weeks to the Kannapolis 101 program. They went behind the scenes to look at everything from Public Safety to Economic Development and Environmental Services.

All were given plaques of recognition. The participants of the Fall 2024 session were:

Aaliyah Hunter	Dawn Hucks	Andrew Josupait	Carol Lee
Connie Brennan	Delecia Bradley-Francis	Gina Hagan	Jayne Williams
Judy Stirewalt	Kylie Bocanegra	Logan Sipe	Mark Swenson
Rhonda Jones	Rhonda Flanders	Sandra Nichols	Shane Watkins
Meagan Elizabeth Wade	Stephanie Forman	Sylvia Gause	Tim Haley
Rhakeem Vanderburg	Wayne Stirewalt	Theron Smoutherson	Tamera Corriher
Diane Browder-Boswell			

PROCLAMATIONS

Mayor Hinnant read a proclamation for National Pearl Harbor Day.

CONSENT AGENDA:

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

Community Development Block Grant (CDBG) Urgent Repair Program Amendment (Sherry Gordon, Community Development Program Administrator) (Copy included as Exhibit A)

Minimum Housing Code Violation - 607 Leonard Ave (Richard Smith, Planning Director) (Copy included as Exhibit B)

October 28, 2024, Business Meeting Minutes & October 28, 2024, Closed Session Minutes (Bridgette Bell, City Clerk)

November 18, 2024, Special Meeting Minutes & November 18, 2024, Closed Session Minutes (Bridgette Bell, City Clerk)

BUSINESS AGENDA:

PUBLIC HEARING AND RESOLUTION - Request to rename East C Street to Milton Taylor Street (Hearing Continued from October 28, 2024, City Council meeting) (Richard Smith, Planning Director) (Copy included as Exhibit C)

Mr. Smith explained that this item was continued from October 28, 2024, City Council meeting. Staff were previously directed by City Council at their September 23, 2024 meeting to begin the process of renaming East C Street to Milton Taylor Street. These efforts were made in order to honor and memorialize the contributions made by Mr. Taylor to the City of Kannapolis and the community.

1 Mr. Taylor served as a public figure in the community for over thirty (30) years, serving in many
2 civic and professional roles, and is best known as a teacher and administrator for the Kannapolis
3 City School System and retired as a principal of George Washington Carver School (Kannapolis
4 Middle School). Mr. Taylor passed away in 2017.

5
6 As per the City's Addressing Ordinance, the Planning Department is authorized to determine the
7 need for road name changes and to recommend such changes to City Council. If City Council
8 moves forward with this renaming, contact will be made with Mr. Taylor's family informing
9 them of the decision.

10
11 There being no questions or comments, Mayor Hinnant opened the public hearing to those in
12 attendance for an opportunity to speak.

13
14 Zac Erwin of 903 Applewood Avenue spoke in favor of renaming East C Street to Milton Taylor
15 Street.

16
17 Nettie Haynie of 5738 Sumter Avenue spoke in favor of renaming East C Street Milton Taylor
18 Street.

19
20 There being no further speakers, Mayor Hinnant closed the public hearing.

21
22 Council Member Dixon noted that the family has requested that East C Street be named *Milton*
23 *L. Taylor Street*.

24
25 Motion was made by Mayor Pro tem Wilson to approve a Resolution renaming East C Street to
26 Milton L. Taylor Street. Motion was seconded by Council Member Dayvault and approved by
27 unanimous vote.

28
29 **PUBLIC HEARING - TA-2024-03 - Text amendments to Article 5, Section 5.10.F.(2)a.3(b)**
30 **and Section 5.10.F.(2)B.2.: Stormwater Management Standards, Operation and Maintenance.**
31 **(Richard Smith, Planning Director) (Copy included as Exhibit D)**

32 Mr. Smith explained that the City currently has standards in place to help ensure that proper
33 stormwater control measures (SCMs) are constructed in order to properly mitigate the impact
34 from the new development. Staff are proposing amendments to Article 5, Section 5.10.F.(2)a.3(b)
35 and to Section 5.10.F.(2)B.2.: Stormwater Management Standards, Operations and Maintenance
36 of the Kannapolis Development Ordinance (KDO) to establish a more efficient system for the

1 maintenance and management of SCM facilities. The proposed amendments are in line with
2 practices now permitted by state statutes. The Planning and Zoning Commission recommended
3 approval of TA-2024-03 to City Council at their October 15, 2024, Commission meeting.
4

5 There being no questions or comments, Mayor Hinnant opened the public hearing to those in
6 attendance for an opportunity to speak. There being no speakers, Mayor Hinnant closed the
7 public hearing.
8

9 Council Member Jackson made a motion to approve the Resolution adopting a Statement of
10 Consistency. Motion was seconded by Council Member Dayvault and approved by unanimous vote.
11

12 Council Member Dayvault made a motion to approve an Ordinance amending the Text amendments
13 to Article 5, Section 5.10.F.(2)a.3(b) and Section 5.10.F.(2)B.2.: Stormwater Management
14 Standards, Operation and Maintenance. Motion was seconded by Council Member Kincaid and
15 approved by unanimous vote.
16

17 **AGREEMENT - Interlocal Agreement with Town of Landis for Wastewater Treatment**
18 **Feasibility (Alex Anderson, Director of Water Resources, Kristin Jones, Assistant to the City**
19 **Manager) (Copy included as Exhibit E)**

20 Mr. Anderson explained that the City of Kannapolis and the Town of Landis are wanting to explore
21 wastewater treatment and pumping options. Kannapolis is experiencing private development
22 requests for wastewater treatment capacity which is currently limited, and staff are recommending
23 exploring possible alternative options. The Town of Landis is currently wishing to partner with
24 Kannapolis to explore alternative options that would be beneficial to both communities. This
25 preliminary study will be conducted by LKC Engineering and is expected to take 3 to 6 months.
26

27 This interlocal agreement only commits Kannapolis and Landis to conduct and fund a preliminary
28 study for wastewater treatment options. This interlocal agreement in no way commits either party
29 to any other future actions or partnership. If this preliminary study produces viable alternative
30 options, staff will present those options to City Council.
31

32 There being no questions or comments, Mayor Pro tem Wilson made a motion to approve the
33 Resolution approving the feasibility study Cooperation Agreement. Motion was seconded by
34 Council Member Kincaid and approved by unanimous vote.
35
36

1 Council Member Dixon made a motion to approve a budget ordinance amendment to fund the
2 feasibility study for Kannapolis-Landis Water Treatment Plant. Motion was seconded by Council
3 Member Berry and approved by unanimous vote.
4

5 **CITY MANAGER COMMENTS:**

6 City Manager Legg gave an update on the Council's recent trip to Washington, DC attendance of the
7 National League of Cities City Summit.
8

9 Mr. Legg noted that after 37 years of service, City Clerk Bridgette Bell is retiring. She will be
10 honored at a reception prior to the December 9th Council meeting.
11

12 **CITY COUNCIL COMMENTS:**

13 Council Member Dayvault noted that the brochure provided to Council with a list of the upcoming
14 shows at the Swanee Theatre and Gem Theatre should be distributed throughout the City and
15 churches.
16

17 **SPEAKERS FROM THE FLOOR:**

18 Jeeter Anderson of 135 Kennedy Avenue told Council about the DSS taking away his child back in
19 2016 and expressed his concerns why the Kannapolis Police Department was allowed to assist with
20 the removal of the child. He indicated the DSS had no reason to remove the child, and no one was
21 ever charged. He added that he never received any paperwork regarding the removal of the child
22 from the home.
23

24 Jerry Anderson of 133 Kennedy Avenue noted he has been a resident of Kannapolis for over 17
25 years. He told the story of his granddaughter who was removed from the home and asked if the DSS
26 was qualified and if Kannapolis could hold DSS responsible for having proper training. He had not
27 seen the child since she was removed from the home. He indicated that he and the Mayor had talked
28 over a year ago and he had not heard back from Mr. Hinnant.
29

30 Phil Goodman of 1005 Central Drive brought up the subject of City Council meetings being
31 televised. He has been assured by the City Manager that funding is available. There are people who
32 would like to come to the City Council meetings, but for one reason or another cannot attend. On
33 another note, Mr. Goodman said he had the old Cupula that came off the former old K-Town
34 Furniture Store. He claims the Cupula is in good shape with the exception of one corner and knows
35 of someone willing to make repairs to it. Since the Atrium Health Ball field is located at the old K-
36 Town site, it felt fitting to have the Cupula displayed somewhere around the stadium.

1 Anita Blakeney of 818 Fisher Street stated on behalf of her community, was asked to come and ask
2 questions about the annexation of the Fisher Street neighborhood. Mayor Hinnant directed Mrs.
3 Blakeney to Richard Smith, Planning Director.

4
5 **CLOSED SESSION** - Mayor Pro Tem Wilson made a motion to go into Closed Session pursuant
6 to G.S. 143.318.11 (5) for discussion of a negotiating position on price and other material terms of
7 real property acquisition, and G.S. 143.318.11 (a) (4) for discussing matters relating to the location
8 or expansion of industries or businesses in the area and G.S. 143-318.11 (a) (6) for the purpose of
9 discussing personnel matters. Motion was seconded by Council Member Dayvault and approved by
10 unanimous vote.

11
12 Council went into Closed Session at 6:50 PM.

13
14 Mayor Pro tem Wilson made a motion to come out of Closed Session. Motion was seconded by
15 Council Member Dayvault and approved by unanimous vote.

16
17 Council resumed the regular session at 8:14 PM.

18
19 Council Member Kincaid made a motion to continue the meeting to December 5, 2024, 9:00 AM at
20 the Kannapolis City Hall Executive Conference Room located at 401 Laureate Way, Kannapolis,
21 NC. The motion was seconded by Council Member Dixon and approved by unanimous vote.

22
23 The meeting recessed at 8:14 PM on Monday, November 25, 2024.

24
25
26
27
28 _____
Milton D. Hinnant, Mayor

29
30 _____
Bridgette Bell, MMC, NCCMC
31 City Clerk



Kannapolis City Council

City Council Agenda Staff Report
December 9, 2024

To: Mayor and City Council
From: Brian Roberts, Finance Director
Subject: **PRESENTATION - Fiscal Year Audit Ending 2024 NO ACTION REQUIRED.
PRESENTATION ONLY**

Action Requested by City Council

No action is requested. This is a presentation for information only.

Required Votes to Pass Required Action

Presentation Only. No Action Required

Background

The audit results are required to be presented to City Council within 45 days of the audit being submitted to the Local Government Commission (LGC). As in previous years, this audit is "clean" and thoroughly shows the City's strong financial position. Once the audit is approved by the LGC, the Annual Comprehensive Financial Report (ACFR) for Fiscal Year Ending June 30, 2024 will be made available on the City's website. An audit of the City's finances is required every year.

Kang Moua with Martin Starnes & Associates, CPAs, P.A. will present the 2024 audited Financial Statements and answer any questions the Council may have.

Fiscal Implications

None.

Policy Issues

None.

Legal Issues

None.

Recommendations and Alternate Courses of Action

Presentation Only. No Action Required.

Attachments

None



Kannapolis City Council

City Council Agenda Staff Report
December 9, 2024

To: Mayor and City Council

From: Alex Anderson, Director of Water Resources, Richard Smith, Planning Director, Elizabeth Hassenfritz, Director of Engineering

Subject: **WASTEWATER ALLOCATIONS POLICY** - Motion to approve a Resolution approving an Ordinance to amend the Wastewater Allocation Policy **APPROVED UNANIMOUS**

Action Requested by City Council

Approve the Resolution Approving the Ordinance to Amend the Wastewater Allocation Policy to include additional priority categories of mixed-use and geographic area and modifications to the scoring process for projects.

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, Council adopted a fair and reasonable method for strategic allocation of this resource among qualifying public and private land development interests. The allocation process is administered by issuing permits to projects which meet specified City interests and goals. In the case of private non-residential and residential permit recipients, project developers were required to complete a matrix to score their specific project. The allocation matrix served as a means for the City to rate projects and determine those that may receive allocation when it becomes available.

In response to new statutory requirements, staff recommends amending the policy to remove the scoring requirement for residential projects as defined in North Carolina SB 607 Article 11 (162A-900). Staff further recommends that any future residential project not currently on the wait list be placed onto the list after completing the wait list application requirements as defined in the proposed policy revisions. Further, staff recommends allocating those new wait listed projects on a "first come first serve" basis after existing wait list commitments are met.

Under the current policy, there is no clear distinction for mixed-use projects which have both residential and non-residential components. Since the policy has been implemented for over three years, it has become clear that it is beneficial to better define mixed-use projects and key geographic areas. The proposed policy revisions clarify these areas.

The proposed policy revision is included as an attachment to this agenda item. The revised Exhibit A is included as part of these recommended policy amendments. Staff is prepared to further explain as part of the consideration of this agenda item.

Fiscal Implications

None

Policy Issues

Amend the existing Wastewater Allocation Policy to include mixed-use and geographic area categories and clarify the scoring / matrix process.

Legal Issues

None

Recommendations and Alternate Courses of Action

1. **Motion to approve the Resolution Approving the Ordinance to Amend the Wastewater Allocation Policy to include additional priority categories of mixed-use and geographic area and modifications to the scoring process for projects. (Recommended)**
2. Table for a future meeting.
3. Do not approve the Resolution.

Attachments

1. Amended Kannapolis Wastewater Allocation Policy Dec 9 2024
2. Wastewater Allocation Policy Exhibit A December 2024
3. Resolution Approving Amendments to the Wastewater Allocation Policy 12092024
4. Ordinance Adopting Amendment to Kannapolis Wastewater Allocation Policy REVISED



CITY OF KANNAPOLIS WASTEWATER ALLOCATION POLICY

~~Adopted by the Kannapolis City Council December 1, 2021 (V1)~~

~~Amended February 14, 2022 (V2)~~

~~Amended February 28, 2022 (V3)~~

~~Amended July 24, 2023 (V4)~~

Amended December 9, 2024 (Version 5)

I. Purpose and Intent.

The City of Kannapolis (“City”) has invested substantial capital in the infrastructure necessary to support a growing, prosperous, and healthy community. Wastewater treatment capacity is among the most important elements of this infrastructure. Since 1992 this service has been provided to the City by the Water and Sewer Authority of Cabarrus County (“WSACC”). The intent of this policy is to provide for the judicious allocation of these resources in conformity with the growth-related priorities of the Kannapolis City Council which are established and/or reconfirmed in this policy. Further, the underpinning structure of this policy is to achieve a fair and reasonable balance between public interests and private interests. This policy is intended to manage the remaining capacity available until additional capacity is developed through the expansion of the Rocky River Regional Wastewater Treatment Plant (“RRRWTP”) which is owned and managed by WSACC as well as manage future capacity. This policy will be reviewed periodically to ensure it is achieving the intended purpose.

II. Scope.

In November 2021 an Interlocal Wastewater Capacity Allocation Agreement (the “Allocation Agreement”) was executed by WSACC and all of its member jurisdictions. This agreement provides for a method of distributing all available WSACC wastewater treatment capacity to each member jurisdiction under an agreed-upon formula.

The scope of this policy is to provide for a fair and reasonable allocation of the City’s available wastewater capacity per the Allocation Agreement to meet the needs of both public and private land development interests. Because wastewater capacity is not an endless resource, it is highly unlikely that all applications for wastewater allocation will be approved. Additionally, those that are approved will be subject to certain conditions, some of which may include adherence to a multi-year phasing plan.

A significant factor influencing the development of this policy is that the collective demand from private sector development requests (formal and informal) exceeds the current and planned capacity of the RRRWWTP. Accordingly, this is a “point in time” policy in that it allocates a finite amount of ~~sewer~~ **wastewater** treatment capacity to specific projects over the course of approximately seven to ten years. The capacity is projected to be available in four phases:

- A. Phase I. Existing capacity between now and the first expansion of the RRRWWTP ~~expected by mid-~~ **completed in** 2024.
- B. Phase II. Capacity at the time of the first expansion of the RRRWWTP in 2024 to the time of the second expansion of the RRRWWTP expected by early 2027.
- C. Phase III. Capacity at the time of the second expansion of the RRRWWTP in 2027 to a point in time where there is no remaining unallocated capacity *or* when an expected third expansion of the RRRWWTP is completed. The third expansion timeframe has not been determined at the time of this policy adoption. This expansion is expected to occur between 2027 and 2030 depending on an acceleration of permitting, funding commitments and the ability to layer this expansion **onto** the second expansion from a timing and engineering standpoint.
- D. Phase IV. Capacity at the time of the Phase III expansion to a to-be-determined future time dependent upon the size of this expansion.

III. Policy Applicability.

- A. All development within the City which requires development approval in accordance with the Kannapolis Development Ordinance will be required to make a request for a wastewater treatment capacity allocation permit (“Allocation Permit”). Any existing development approval - with or without an Allocation Permit - that is modified or expanded in any way shall be considered a new allocation and will require a new Allocation Permit. More specifically, any increase in ~~sewer~~ **wastewater** collection/treatment impacts, including discharge limits and volume allocation will require a new Allocation Permit which may be subject to a fully executed Development Agreement.

In general, parcels of land with an existing wastewater service connection at the time of the adoption of this policy is considered to have an existing wastewater treatment capacity allocation based on current land and/or building use. A parcel of land with no wastewater service connection at the time of the adoption of this policy is considered to not have an existing wastewater treatment capacity allocation.

Approval of a new or modified Allocation Permit will be at the sole and absolute discretion of the City and shall be in accordance with this policy.

- B. Notwithstanding the provisions of Section III.A, the following types of developments are exempt from the requirements of this policy:
 - 1. A single- or two-family home on one existing, recorded lot at the time of the adoption of this policy.

2. Exemption Plats consisting of less than two (2) acres subdivided into no more than three (3) lots.
3. New or expanded accessory building.
4. New additions or interior renovations to existing residential buildings.
5. Property serviced by a septic system which will not be connected to the City's wastewater system.

IV. General Policy.

The City seeks to grant wastewater allocations in a way that supports economic growth, economic diversity, strengthening of the tax base, creation of jobs, promotion of high-quality development and maximization of existing infrastructure and service delivery capacity. To provide a foundation for this policy, the Kannapolis City Council hereby adopts the following broad development priorities and determines that they are in the best interests of the City, its citizens, and stakeholders.

This policy provides that all development projects seeking an Allocation Permit fall into one of four (4) categories as described below. The priorities are rank ordered (first being most important).

- A. Priority 1: Projects with prior City Commitments. Due to the commitment by the City of significant financial resources and/or contractual obligations, the following development projects shall be issued an Allocation Permit which will support the project commencement and completion. These projects may be subject to a phasing plan as depicted in Exhibit A which is attached hereto and incorporated herein by reference. This is a "point in time" priority that will no longer be applicable after this policy is adopted. The Allocation Permits issued for these projects may be subject to a new or amended Development Agreement at the sole discretion of the City.

Project	Development and/or Purchase Agreement	City Financial Commitments
Kannapolis Crossing	Yes	Off-Site Water and Sewer
Lakeshore Corporate Park (old baseball stadium)	Yes	Street Improvements
Downtown Block 4A	Yes	Downtown Infrastructure
Downtown Block 4B	Yes	Downtown Infrastructure
Downtown Block 5	Yes	Downtown infrastructure
Downtown Block 6	No	Downtown Infrastructure
Gateway Business Park (7-acre tract)	Yes	Construction of Business Park
Gateway Business Park (1.6-acre tract)	Yes	Construction of Business Park

- B. Priority 2: Strategic Reserve. This priority consists of a strategic reserve of wastewater treatment capacity to support future projects or development sites that support the general policy statement at the beginning of this Section IV. These projects fall into a wide range of the development process from conceptual to preliminary plat or preliminary site plan submittal. In some cases no specific project will have been identified and only a high-level development carrying capacity estimate (density and design) for a particular site will be used. This estimate will be prepared by the City. Further, a reserve amount for a general land development category

(and not a specific site) may be set aside. The decision to set aside capacity for these projects, future sites, and development categories will be at the sole discretion of the City and will be delineated on Exhibit A. Exhibit A will be revised over time as described in Section V.C. Generally these projects, project sites or development categories are expected to have significant positive community impacts. These strategic reserve projects, sites and development categories are intended to align with the following strategic priorities:

1. **Recent City investments.** These are projects or project sites served by water, sewer, stormwater, street, buildings or other such public investments currently secured by current City debt obligations.
2. **Downtown development.** These are projects or project sites: 1) located in the Municipal Service District; and 2) owned by the City of Kannapolis or Castle & Cooke (or its affiliated companies or its successors in title).
3. **Economic Development.** These projects or project sites include commercial, office and industrial development (and similar uses) which create significant tax base, create jobs and require limited public resources.
4. **Improved City services or infrastructure.** These are projects that, if developed, will result in significant improvements to existing City services or infrastructure through private financial participation. Examples may be partnerships on water or sewer extensions that improve fire protection or water pressures or dedication of land for a public park. The improvements must be substantial in nature including a significant private commitment of funding or other public asset development.
5. **Mixed Use and Non-Residential Development.** The City understands that in urban development many projects may have more than one component. These are projects that consist primarily of any Priority 2 Strategic Reserve categories under Section IV of this policy, but which may include a residential component. The residential component, excluding affordable housing, shall not exceed seventy-five percent (75%) of the entire project wastewater allocation request in gallons per day (GPD) and shall include a portion of the non-residential development in the first phase of construction. Any mixed use or non-residential project shall submit a phasing plan to the City. The Wastewater Allocation Committee (Committee) shall review, provide comments, and approve at their sole discretion. A phasing plan approved by the City is required prior to release of any wastewater allocation. The phasing plan shall prioritize the Priority 2 Strategic Reserve categories as much as possible and have the residential component secondary. If any project with a residential component prioritizes phasing and constructing the residential first, that project shall be placed in the Wait List Projects category as defined in Section IV.4D. of this policy.
6. **Priority Geographic Area Boundary** – These are projects located within primary activity centers, secondary activity centers, and employment centers as identified in the City’s 2030 Comprehensive Plan.
7. **Infill Development.** These are relatively small residential or non-residential projects that generally are in locations with existing access to water and ~~sewer~~ **wastewater** services. These projects are important to support a diverse housing and commercial development stock in

the City. No City investment is necessary for development success. For single family residential projects they are only part of minor subdivisions or major subdivisions up to 20 total lots. Generally, allocation for these project types will be in the form of a set-aside amount of reserve capacity allocated every six (6) months. Accordingly, there may be more demand than capacity set aside for infill development.

Every six (6) months, if the decision is made to allocate a capacity set-aside for infill Development, a call for infill projects will be promoted. Upon the close of the call period, the City's Planning Department shall be responsible for evaluating and ~~ranking~~ **evaluating** the projects using substantially the same process described in Section V for all other projects.

8. **Affordable Housing.** These are a diverse range of projects that can be owner occupied or rental products intended to provide housing to low- to moderate-income families and individuals. They can include large and mid-sized multi-family projects, tiny home/pocket development projects or traditional single family attached and detached projects. Partnerships among private developers, City, county, State or non-profit agencies will be common. Generally, support for these project types will be in the form of a set-aside amount of reserve capacity allocated every six (6) months. Accordingly, there may be more demand than capacity set-aside for affordable housing development. Every six (6) months, if the decision is made to allocate a capacity set-aside for affordable housing, a call for projects will be promoted. The City's Community Improvement Commission shall be charged with setting evaluation criteria and making a recommendation to City Council on which projects should be granted Allocation Permits. City Council's decision on these Permits shall be final.
- C. Priority 3: Previously Approved Projects. Due to existing substantial financial and operational commitments of private sector development entities based on good faith preliminary plat or preliminary site plan approvals by the City at the time this policy is adopted, these projects will be considered for allocation of necessary ~~sewer~~ **wastewater** treatment capacity to support the project commencement and completion. Projects with preliminary plat or preliminary site plan approval must adhere to the application procedures described in Section V of this policy. If, at any time there exists greater sewer treatment demand than there is available sewer treatment capacity, the ~~ranking~~ **evaluating** procedures in Section V shall determine how the available capacity is allocated. These projects may also be subject to a phasing plan as described in Exhibit A. This is a "point in time" priority that will no longer be applicable after this policy is adopted.
- D. Priority 4: Wait List Projects. These are projects that are not included in Section IV, subsections A, B or C above. The projects in this priority category become part of a wait list and they are delineated as such on Exhibit A. Initially, upon adoption of this policy these are all projects that have an approved preliminary plat or preliminary site plan but do not score high enough on the scoring matrix to secure an Allocation Permit through Phase III (2027) as described in Section IV.C and Section V. Should additional wastewater capacity become available from WSACC or from projects not proceeding expeditiously in accordance with this policy, then projects on the wait list will become eligible for requesting an Allocation Permit. Prior to considering approval of an Allocation Permit for a project on the wait list, the City Planning Department shall review the project plan and re-affirm and/or update the scoring matrix results based on any changes that may have been made to the project. This potential for assigning additional allocation will only occur once every six (6) months after receiving updated capacity

reports from WSACC (expected by the end of January and July of each year) except in extraordinary circumstances as approved by the City Manager. Projects that have secured preliminary plat or preliminary site plan approval at the time of the adoption of this policy shall be given first consideration for additional allocation over other projects. **All future projects added to the wait list shall be added in the order in which they receive their final Wait List Letter, as described in VI. Section J. The matrix and scoring of projects only applies to non-residential projects.**

V. Procedure.

- A. The owner or developer of any project requiring an Allocation Permit from the City shall submit a written application via a form provided by City staff, for an allocation reservation. The application shall include detailed information on the amount of capacity necessary to serve the project, the nature of the project, project schedule and phasing in relation to demand of utility capacity, and other supporting information demonstrating how the project serves the needs and interests of the City. In the case of industrial flows, additional information associated with the constituents shall be required and may be subject to other ordinances or policies of the City and WSACC.

All Allocation Permit applications shall also include a completed ~~residential~~ **mixed use** or non-residential scoring matrix attached hereto as Exhibit B and Exhibit C. Proposed projects can gain bonus points for positive community impacts by the applicant offering to commit to items listed on the matrix as part of a development proposal. The matrix also includes a subtraction of points for negative community impacts. It shall be the responsibility of the applicant to provide evidence of all points claimed in the matrix. This evidence can be included as part of the project's preliminary site plan or preliminary plat submittal or with supplemental information. The City's Planning Department will review the submitted matrix. The Planning Director shall have the final authority to approve, approve with modifications or reject the matrix.

The scoring matrix shall be the primary factor in ranking **mixed use and non-residential** projects described in Section IV.C and IV.D although in some circumstances, sewer demand impacts, project phasing and project commencement timing may play a role in the decision-making process. Two or more scoring matrices with the same score shall be ranked first by the date in which a preliminary plat or preliminary site plan is approved by the City and second in order of the Allocation Permit application submittal dates. Scoring matrix ties are the only situation where the time and date of any permit application or plan/plat approval shall apply to an Allocation Permit decision.

Applications for Allocation Permits may be submitted to the City's Planning Department at any time however specific deadlines for consideration of the applications and corresponding review schedules will be established by the Planning Department. All applications submitted after the adoption of this policy shall automatically be placed on the wait list described in Section IV.D.

- B. Projects described in Section IV.A and IV.B are exempt from submitting a written application for wastewater treatment capacity allocation, but an Allocation Permit and in some cases a corresponding fully executed Development Agreement **or Infrastructure Reimbursement Agreement** shall be issued by the City prior to construction commencing. Notwithstanding the

above, infill projects shall be required to submit a written application in that there may be more projects than available capacity as described in Section IV.B.5.

- C. In accordance with the Allocation Agreement, every six (6) months the updated wastewater treatment capacity available to the City from WSACC will be reconciled with a list of projects that have applied for but have not yet received an Allocation Permit. At this time the City will consider allocating some or all of its then available wastewater treatment capacity to strategic reserve projects described in Section IV.B and to those competing projects described in Section IV.D based on the ~~scoring matrix~~ **the wait list as described on the current Exhibit A adopted by City Council. Priority 2 components and those projects that do not contain any Priority 2 components are first come first serve as dated on their Wait List Status Letter issued by the City of Kannapolis Wastewater Allocations Committee.** There is no guarantee of any project receiving an Allocation Permit.

The assignment of any additional sewer treatment capacity allocation will only occur once every six (6) months except in extraordinary circumstances as approved by the City Manager. Prior to the issuance of Allocation Permits City Council will approve a revised Exhibit A after receiving updated capacity reports from WSACC (expected by the end of January and July of each year).

- D. Due to weather related factors, the regulatory environment, and the dynamic nature of wastewater flow and treatment, accounting of available capacity is, by its very nature, inexact and subject to change. The City will continually track allocation reservations granted and the amount of capacity available. Such reports do not constitute a policy statement, commitment or guarantee on the amount of capacity available for allocation.
- E. Allocation Permits issued by the City will reserve the approved wastewater treatment plant capacity and permit the completion by the applicant of construction drawings. The Allocation Permit issued by the City will be followed by the corresponding final allocation approval by WSACC following the final approval of construction drawings by the City.
- F. Some projects, because of their large size, non-traditional nature, multi-phase nature, complexity, or location require a long-term commitment of public and private resources and annual monitoring to achieve success. The Allocation Permits issued for these projects may be subject to a new or amended Development Agreement at the sole discretion of the City
- G. Allocation Permits are not transferrable except upon written consent of the City.

VI. General Conditions

- A. This policy shall replace any previous practices or policies on wastewater treatment capacity allocations adopted by the City.
- B. Due to the limited wastewater treatment capacity, it is the intention of this policy to prohibit “capacity banking” where valuable wastewater treatment capacity is allocated but not used by a development project within a reasonable timeframe. More specifically, the following allocation execution timeframes shall apply to the priority categories described in Section IV A-D above.

1. Projects listed in Section IV.A must proceed diligently to secure preliminary site plan or preliminary plat approval within one (1) year of the adoption of this policy. Further, these projects must submit final construction drawings to the City within 180 days of securing approval of the preliminary plat or preliminary site plan *and* must commence with off-site and/or on-site water and sewer line installation or installation of water and sewer connections within 180 days of securing final construction drawing approval. In cases where no utility extensions are necessary, construction permits must be obtained and building foundations constructed within 180 days of construction drawing approval.
2. Projects granted strategic reserve allocations described in Section IV.B must secure preliminary site plan or preliminary plat approval within 120 days of the written notice of the intent of the City to approve such allocations. Further, these projects must submit final construction drawing approval to the City within 180 days of securing approval of the preliminary plat or preliminary site plan *and* must commence with off-site and/or on-site water and sewer line installation or installation of water and sewer connections within 180 days of securing final construction drawing approval. In cases where no utility extensions are necessary, construction permits must be obtained and building foundations constructed within 180 days of construction drawing approval. Notwithstanding the previous sentence, residential infill projects where no new infrastructure is necessary (as described in Section IV.B.5) or those that have a valid preliminary plan or plat approval prior to February 14, 2022, must secure construction permits and complete building foundations for a minimum of two (2) dwelling units within the first 180 days of receipt of a ~~Sewer~~ **Wastewater Allocation Permit** (or the associated Development Agreement if required) and must complete two (2) additional building foundations in each successive 180-day period thereafter.
3. Projects with previous preliminary plat or preliminary site plan approval in accordance with Section IV.C which are granted sewer treatment allocation must submit construction drawings to the City within 180 days of the approval of an Allocation Permit (or the associated Development Agreement if required). Further, these projects must commence with off-site and/or on-site water and sewer line installation within 180 days of construction drawing approval. In cases where no utility extensions are necessary, construction permits must be obtained and building foundations constructed within 180 days of construction drawing approval.
4. Projects on the wait list described in Section IV.D that are ultimately granted an Allocation Permit shall comply with allocation execution timeframes describes in Section VI.B.3 above. A Development Agreement **or Infrastructure Reimbursement Agreement** may be required for these projects.

For large, multi-phase projects, an approved phasing plan will include specific timing of construction drawing submittals that will generally adhere to the principles in this subsection VI.B; however the first phase must comply with the timeframes of this subsection. Notwithstanding the above, if contractual obligations between a developer and the City provide a different schedule for securing these approvals the contractual obligations shall become the requirement.

Upon request by the project applicant and at the discretion of the City Manager or designee, an

allocation execution timeframe may be extended one time for no more than a ninety (90) day period. Such requests must provide documentation of extenuating circumstances causing the need for the extension.

An Allocation Permit will expire if a project has not progressed in accordance with the timeframes described in Sections VI.B above and any approved extensions and more specifically in accordance with the associated Development Agreement if such an agreement is required. Projects with an expired Allocation Permit will be required to submit a new application. These projects will be placed on the wait list described in Section IV.D with its ranking based on the new application and scoring matrix results.

- C. Some projects will be required to be phased and such phasing plans will be depicted on Exhibit A. The final decisions on project phasing will be at the sole discretion of the City Manager or designee due to the phased nature of sewer treatment capacity increases and the intent to provide a fair and equitable allocation of capacity to as many development projects as possible. Phasing plans will be included in the Development Agreement associated with the Allocation Permit should such an agreement be required.
- D. If a project is unsuccessful in obtaining any required Federal, State, or local government permit or approval the allocation shall be retracted. The City shall bear no liability for any costs incurred by the applicant, or any further responsibility in the matter.
- E. Granting of a wastewater treatment capacity allocation does not imply or confer approval of any other applications or reviews as may be required by City Ordinance or policy and does not imply or create any vested right.
- F. The City may issue, upon City Council Approval, a one-year Wastewater Allocation Permit for in-fill projects as defined in IV 4 B, if approved for wastewater allocation and an existing City sewer main exists to serve all or part of the project, in lieu of a signed wastewater extension permit.
- G. This policy shall be reviewed annually and, when appropriate, modified by City Council. The City's overall progress on policy goals will be considered and the criteria and/or point thresholds in the scoring matrix (Exhibit C) may be adjusted accordingly. Exhibit C is attached hereto and incorporated herein by reference.
- H. No project shall be required to submit a scoring matrix for residential components.
- I. Mixed use or Non-Residential projects that include residential components shall not be required to not score in their matrix any portion of the residential. Only the non-residential portion of a project can be scored. In a mixed use or non-residential project containing residential components the applicant shall submit a phasing plan, and to be considered for mixed use or non-residential allocation the residential component shall not be the sole first phase of construction, though residential may be allowed in the first phase.
- J. Wait List Status Letter shall be issued by the Committee within ten (10) business days upon receipt of the necessary documents from the landowner. Only the landowner or their attorney, by proof of power of attorney, may submit for Wait List Status or seek a Wait List Status Letter.

Incomplete application packets shall not be reviewed.

In addition to the information noted in Section V.A., application packets shall include:

1. Wait List Status Application
2. Project sketch plan (acceptance of this sketch plan does not indicate approval or denial of such plan)
3. Residential dwelling count with number of units, bedrooms, and other information necessary for determining wastewater capacity needs
4. Non-Residential unit count with number of buildings, square footage and intended uses
5. Project phasing plan
6. Other items necessary for review as required in the Wait List Status Application

VII. Appeals Process

Any issue relating to a scoring matrix decision assigned to any project may be appealed to the ~~Scoring Matrix Review~~ Committee which is appointed by the City Manager. A final decision shall be rendered by the Committee within ten (10) business days. Such decision may be appealed to the City Manager who shall render a final decision within ten (10) business days. Notice for any appeal shall be delivered to the City Clerk for scheduling within five (5) business days following notice of the final decision by written notice or e-mail from the Planning Director or the Committee. City Council approval of Exhibit A as described in Section V.C shall not be adopted until any and all appeals then existing have been completed.

VIII. Term.

This Policy ~~Amendment~~ shall be effective on and after ~~December 13, 2021~~ December 9, 2024. In accordance with the Allocation Agreement this policy shall remain in effect until the earlier of (a) January 1, 2025~~8~~, (b) the date upon which WSACC's expansion of the RRRWWTP comes online with 30 ~~34~~ MGD treatment capacity, ~~or~~ (c) termination of the Allocation Agreement by WSACC, ~~or (d) other action taken by City Council.~~

EXHIBIT A

Rev 11/19/2024

CITY OF KANNAPOLIS SANITARY SEWER CAPACITY					gpd/br =	75
PROJECT				2024 - 2026 SEWER ALLOCATION AVAILABLE (GPD) =		1,054,306
Name	Location	Type	Description	Total Flow Impact (gpd)	2024-26 Sewer Allocated (gpd)	Remaining Sewer Balance (gpd)
Lowes Foods Kellswater Commons					9,698	1,044,608
Summerlyn Village Subdivision	Rainbow Dr & NC 3	Single Family/Townhomes	220 Single Family 3 BR & 152 Townhome 3 BR		12,900	1,031,708
Cannon Manor Subdivision	Jim Johnson Rd N of Travertine Tr	Single Family Residential	70 units (3 BR)		7,650	1,024,058
Emerson Glen at Jim Johnson Rd1	Jim Johnson Rd E of Travertine Tr	Single Family Residential	86-4 BR		12,900	1,011,158
PACE TLC					5,000	1,006,158
Coldwater Ridge Apartments Ph II - Phase 1					9,100	1,008,558
Trinity Corners Development	Orphanage Rd & Trinity Church Rd SE	Apartments & Commercial	114 units (3 BR) & retail & restaurant (5000gpd)		10,125	998,433
85 Exchange Subdivision Phase 2					24,500	973,933
McDonald's - Kellswater Commons					1,280	972,653
Bakers Creek Subdivision	N Main St & W 18th St	Single Family Residential	228 Single Family 3 BR & 122 Townhomes 3 BR		28,125	944,528
Kannapolis Crossing	Old Beatty Rd & I-85	Mixed Use	500 ac site for industrial, commercial, single & multi-family	316,000	151,960	792,568
Business Park	Various	Mixed Use		5,000	2,500	790,068
Downtown Block 5	Downtown	Condos and Retail	79 units (2 & 3 BR) and 10,000 SF retail	16,150	16,150	773,918
Downtown Block 6	Downtown	Apartments and Retail	298 apartments (208 1BR, 75 2BR, 15 3 BR) + 11,000 sf retail, 541 space parking deck	56,250	0	773,918
Afton Ridge Commercial & Industrial Reserves	Afton Ridge & I-85	Commercial & Industrial		12,000	12,000	761,918
Lakeshore Commercial & Industrial Reserves	Lane St/Moose Rd & I-85	Industrial	Redevelopment	18,000	18,000	743,918
Kannapolis Crossing Commerical & Industrial Reserves	Old Beatty Rd & I-85	Mixed Use	500 ac site for industrial, commercial, single & MF	100,000	0	743,918

Block 5 Commercial Reserves	Downtown	Condos and Retail		36,000	36,000	707,918
A - Downtown Set-Aside				317,372	247,550	460,368
B - Non-Residential Infill Development Set-Aside	2024 through 2026 Distribution			100,000	60,000	400,368
C - Residential Infill Development Set-Aside	2024 through 2026 Distribution		Jay and Gay, West F, N Main and Alpine	11,213	11,213	389,155
D - Affordable Housing Set-Aside	2024 through 2026 Distribution		Sona Apartments	21,600	21,600	367,555
E - Community Enhancement Set-Aside				130,005	36,225	331,330
Metro 63 Commercial & Industrial Reserves	Lane St & I-85	Commercial & Industrial		18,000	18,000	313,330
85 Exchange Commercial & Industrial Reserves	Highway 73 & Kannapolis Parkway	Commercial & Industrial		28,000	28,000	285,330
Loop Yard Phase 2A	DEB & I-85	Mixed Use		47,500	47,500	237,830
Parkway and Rogers Lake Road Commercial & Industrial Reserves	Roger Lake Rd & Kannapolis Parkway	Commercial		35,000	17,500	220,330
Stanley Drive Industrial	Stanley Drive & Highway 73	Industrial		25,000	6,250	214,080
Concord Lake Road Commercial Reserves	Concord Lake Road & Roxie	Mixed Use		12,000	6,000	208,080
Motley Site Commercial & Industrial Reserves	Glen Afton & Kannapolis Parkway	Industrial		42,000	0	208,080
Downtown Additional				100,000	50,000	158,080
Hedgecliff Towns - South Ridge Ave Townhomes	S Ridge Av S of Southaven Ct	Townhomes	171 units (3 BR)	38,475	28,856	129,224
Evolve-Hawthorne Concord Lake Rd Multifamily	Concord Lake Rd SW of Old Earnhardt Rd	Multifamily	288 units (1-2 BR), 36 units (3 BR), Pool (1250gpd), Clubhouse (2850gpd), Maintenance (500gpd)	55,900	41,925	87,299
Greenview Apartments - Orphanage Rd South Side	Orphanage Rd (S side) & Pine Baugh Ln	Apartments	126 (1-2 BR)	18,900	14,175	73,124

PROJECT				2027 SEWER ALLOCATION AVAILABLE (GPD) =		962,000
Name	Location	Type	Description	Total Flow Impact (gpd)	2027 Sewer Allocated (gpd)	Remaining Sewer Balance (gpd)
Kannapolis Crossing	Old Beatty Rd & I-85	Mixed Use	500 ac site for industrial, commercial, single & MF	316,000	151,960	883,164
Block 6				56,250	56,250	826,914
Kannapolis Crossing Commercial & Industrial Reserves				100,000	100,000	726,914
A - Downtown Set-Aside				317,372	69,822	657,092
B - Non-Residential Infill Development Set-Aside	2027 and beyond Distribution			100,000	40,000	617,092
C - Residential Infill Development Set-Aside	2027 and beyond Distribution			0	0	617,092
D - Affordable Housing Set-Aside	2027 and beyond Distribution			20,000	20,000	597,092
E - Community Enhancement Set-Aside				130,005	20,000	577,092
Downtown Additional				100,000	50,000	527,092
Loop Yard Phase 2B	DEB & I-85	Mixed Use		47,500	47,500	479,592
Parkway and Rogers Lake Road Commercial & Industrial Reserves	Roger Lake Rd & Kannapolis Parkway	Commercial		35,000	17,500	462,092
Stanley Drive Industrial	Stanley Drive & Highway 73	Industrial		25,000	18,750	443,342
Concord Lake Road Commercial Reserves	Concord Lake Road & Roxie	Mixed Use		12,000	6,000	437,342
Motley Commercial & Industrial Reserves	Glen Afton & Kannapolis Parkway	Industrial		42,000	42,000	395,342
Strategic Buffer				75,000	75,000	320,342
Plant 4 Site	West D & DEB	Mixed Use		94,500	94,500	225,842
Bakers Creek Subdivision	N Main St & W 18th St	Single Family Residential	228 Single Family 3 BR & 122 Townhomes 3 BR	78,750	28,125	197,717
Summerlyn Village Subdivision	Rainbow Dr & NC 3	Single Family/Townhomes	220 Single Family 3 BR & 152 Townhome 3 BR	83,700	30,600	167,117

PROJECT				FUTURE SEWER ALLOCATION AVAILABLE (GPD) =		167,117
Name	Location	Type	Description	Total Flow Impact (gpd)	Future Sewer Allocated (gpd)	Remaining Sewer Balance (gpd)
A - Downtown Set-Aside				317,372	0	167,117
B - Non-Residential Infill Development Set-Aside	2027 and beyond Distribution			100,000	100,000	67,117
C - Residential Infill Development Set-Aside	2027 and beyond Distribution			0	0	67,117
D - Affordable Housing Set-Aside	2027 and beyond Distribution			20,000	0	67,117
E - Community Enhancement Set-Aside				130,005	0	67,117
Blue Ridge Apartments	Macedonia Church Rd/Kannapolis Parkway	Apartments	294 units (2 BR)	44,100	44,100	23,017
The Farm at Riverpointe Phases 3B, 5, 6	The Farm @ Riverpointe	Single Family Residential	227 - 3.5 BR	59,588	59,588	(36,571)
Riverpointe at Davidson	Davidson Rd & The Farm @ Riverpointe	Single Family Residential	500 - 3.5 BR	131,250	131,250	(167,821)
Bridges of Cabarrus II	S Ridge Av & Carolina Av	Apartments	TBD (estimate 140 - 3 BR)	31,500	31,500	(199,321)
Abberly (885 Kannapolis Pkwy)	Kannapolis Parkway & Fingerlake Dr	Apartments	306-1 to2 BR, 30-3 BR	52,650	52,650	(251,971)
Sudbury Rd Subdivision	Mooreville Rd & Davidson Rd	Single Family Residential	63 (4 BR)	18,900	18,900	(270,871)
Lane St Townhomes W of Royce St	Lane St & Royce St	Townhomes	187 (3 BR)	42,075	42,075	(312,946)
Cavallaro Ridge (Windy Hill Farm) at Boy Scout Camp/Isenhour	Boy Scout Camp Rd & Isenhour Rd	Apartments	90 units (3 BR)	20,250	20,250	(333,196)
Kannapolis Pkwy Townhomes North of Redwood Apartments	Kannapolis Parkway & Professional Park Dr		116 (3 BR)	26,100	26,100	(359,296)
Camp Cabarrus at Kannapolis Pkwy & Dovefield Ln	Kannapolis Pkwy & Dovefield Ln	Apartments	126-1 BR, 126-2 BR, 118-3 BR	64,350	64,350	(423,646)
Trinity Church Rd Apartments at Northwest Cabarrus High School	Trinity Church Rd @ NW Cabarrus High School	Apartments	112 -1 to 2 BR, 20-3 BR	21,300	21,300	(444,946)
Orphanage Rd Apartments north side	Orphanage Rd (N side) & Pine Baugh Ln	Apartments	36 (3 BR)	8,100	8,100	(453,046)
Stonehaven	Stone Av/Arlington	Single Family Residential	9 (3 BR)	2,025	18,225	(471,271)

**CITY OF KANNAPOLIS
RESOLUTION
ADOPTING ORDINANCE RELATING TO AMENDMENTS TO
KANNAPOLIS WASTEWATER ALLOCATION POLICY**

WHEREAS, the City Council adopted the Kannapolis Wastewater Allocation Policy (“Policy”) by Ordinance on December 12, 2021; and

WHEREAS, the Policy was amended on February 14, 2022, February 28, 2022, July 24, 2023 and August 28, 2023; and

WHEREAS, it is in the best interest of the citizens of the City to amend the Ordinance by revising the Policy by replacing Exhibit A with a revised Exhibit A; and

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

WHEREAS, Section VI of the Policy provides conditions for competing for the allocation of wastewater treatment capacity; and

WHEREAS, the City finds that the Ordinance amended is consistent with the North Carolina General Statutes and in the best interest of the City.

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

1. The City Council adopts the Ordinance and accompanying “Exhibit A” attached hereto amending the Kannapolis Wastewater Allocation Policy.
2. This Ordinance is effective upon adoption.

Adopted this 9th day of December, 2024.

Milton D. Hinnant, Mayor

ATTEST:

Bridgette Bell, MMC, NCCMC
City Clerk

**CITY OF KANNAPOLIS
ORDINANCE ADOPTING
AMENDMENTS TO
KANNAPOLIS WASTEWATER ALLOCATION POLICY**

WHEREAS, in November 2021 an Interlocal Wastewater Capacity Allocation Agreement (the “Allocation Agreement”) was executed by WSACC and all of its member jurisdictions. This agreement provides for a method of distributing all available WSACC wastewater treatment capacity to each member jurisdiction under an agreed-upon formula; and

WHEREAS, the City of Kannapolis (“City”) has invested substantial capital in the infrastructure necessary to support a growing, prosperous, and healthy community. Wastewater treatment capacity is among the most important elements of this infrastructure. Since 1992 this service has been provided to the City by the Water and Sewer Authority of Cabarrus County (“WSACC”); and

WHEREAS, the intent of the attached Wastewater Allocation Policy (“Policy”) is to provide for the judicious allocation of these resources in conformity with the growth-related priorities of the Kannapolis City Council which are established and/or reconfirmed in the policy. Further, the underpinning structure of the Policy is to achieve a fair and reasonable balance between public interests and private interests; and

WHEREAS, the Policy is intended to manage the remaining capacity available until additional capacity is developed through the expansion of the Rocky River Regional Wastewater Treatment Plant; and

WHEREAS, the Policy is in the best interests of the citizens of the City calculated to achieve for a fair and reasonable allocation of the City’s available wastewater capacity consistent with the Allocation Agreement to meet the needs of both public and private land development interests; and

WHEREAS, the Policy was adopted by Council Ordinance on December 12, 2021 and amended on February 14, 2022, February 28, 2022 and July 24, 2023; and

WHEREAS, the Policy is amended by the addition of Section V and Section V1 as stated and the new Exhibit A.

NOW, THEREFORE, PURSUANT TO THE AUTHORITY CONTAINED IN CHAPTER 160A, ARTICLE 16, PART 1, BE IT ORDAINED THAT, the attached Amendments to the Kannapolis Wastewater Allocation Policy are hereby adopted effective immediately.

Adopted this 9th day of December, 2024.

Milton D. Hinnant, Mayor

ATTEST:

Bridgette Bell, MMC, NCCMC
City Clerk



Kannapolis City Council

City Council Agenda Staff Report
December 9, 2024

To: Mayor and City Council
From: Mike Legg, City Manager
Subject: **APPOINTMENT** - Motion to appoint an Elected Official and Alternate to serve a one-year term on the Board of Delegates of the Centralina Regional Council. **APPOINTED MAYOR HINNANT AND MRS. JEANNE DIXON AS ALTERNATE**

Action Requested by City Council

Motion to appoint a Delegate and one Alternate to serve as the City's representative.

Required Votes to Pass Required Action

Majority Present at Meeting

Background

The Centralina Regional Council is the state-designated lead regional organization for the area in and around Charlotte. It serves as a conduit for grants, a staff resource for members and a forum for local governments to address current and future needs.

Established in 1968, Centralina was created to serve the needs of our nine-county region, which includes Anson, Cabarrus, Gaston, Lincoln, Iredell, Mecklenburg, Rowan, Stanley and Union counties. Centralina is governed by a Board of Delegates comprised of member governments and is one of 16 North Carolina regional councils authorized by the General Assembly. The Board of Delegates consists of elected officials from the (Member Governments), counties, cities and towns in the eight counties set by Centralina policies. Funding comes from member dues, state and federal grants, and fees for services.

Centralina provides a variety of services for our region. It administers state and federal grants, including aging, workforce development, emergency services and economic development programs. They also maintain a comprehensive Regional Data Center for the public and private sector with information about the population, economy, health services, education, employment, transportation, utilities and climate.

In addition, Centralina provides local and regional planning and technical services to its local government members in the areas of community development, land use, zoning, water and solid waste, GIS mapping, personnel, management, criminal justice and emergency medical service.

Presently, Mayor Hinnant serves as the delegate representative and Council Member Jeanne Dixon serves as Alternate. It is recommended that City Council appoint an elected member of City Council as well as an alternate to serve on the Centralina. These persons must be elected members of the governing body. Terms of office are one year and expire December 31.

Fiscal Implications

None

Policy Issues

None

Legal Issues

None

Recommendations and Alternate Courses of Action

1. **Motion to appoint one delegate and one alternate to serve as the City's representative on the Centralina COG (Recommended).**
2. Take no action.
3. Table the matter to a future meeting.

Attachments

1. Officer Roles
2. 2024 Centralina Board Meeting Schedule
3. 2023 List of Delegates

Centralina Officer Roles/Responsibilities

Chair (Open; 1 Interested Candidate)

- Presides over all meetings of the Board of Delegates and the Executive Board
- Appoints an Executive Board member to serve as the Council's representative to the North Carolina Association of Regional Councils of Government's Forum

Vice Chair (Incumbent: Jay McCosh, Town of McAdenville; 3 Interested Candidates)

- Performs the duties of the Chair when the Chair is absent or unavailable for the performance of their duties
- Serves as an ex-officio member of all standing committees

Secretary (Incumbent: Jarvis Woodburn, Anson County)

- Keeps or supervises the keeping of all records and minutes of meetings

Treasurer (Incumbent: Corinthia Lewis-Lemon, Morven)

- Supervises all financial matters in cooperation with Finance Director and chairs the Finance Committee



2024 BOARD MEETING SCHEDULE

Executive Board Meeting Dates

These meetings will be held in person, with a virtual option, at 5:00 p.m.

Wednesday, January 10, 2024
 Wednesday, March 13, 2024
 Wednesday, April 10, 2024
 Wednesday, June 12, 2024
 Wednesday, September 11, 2024
 Wednesday, November 13, 2024

Board of Delegates Meeting Dates

These meetings will be held in person at 5:00 p.m. unless otherwise noted below.

Date	Tentative Agenda Topics
Wednesday, February 21, 2024	Annual Meeting; Budget Hearing; Delegate Orientation
Wednesday, May 8, 2024	Regional Priority Setting - Shaping our FY24-25 workplan.
Wednesday, August 14, 2024	August Advocacy Focus: State & Federal Connections
Wednesday, October 9, 2024	Annual Dinner & Region of Excellence Awards Ceremony



704-372-2416 | info@centralina.org | www.centralina.org
 10735 David Taylor Drive, Suite 250 | Charlotte, NC 28262

2023 CENTRALINA DELEGATES

1. **Anson County**, Commissioner Jarvis Woodburn
2. **Cabarrus County**, Commissioner Lynn Shue
3. **Gaston County**, Commissioner Bob Hovis
4. **Iredell County**, Commissioner Gene Houpe
5. **Lincoln County**, Commissioner Jamie Lineberger
6. **Mecklenburg County**, Commissioner Elaine Powell
7. **Stanly County**, Commissioner Patty Crump
8. **Union County**, Commissioner Brian Helms
9. **Albemarle**, Mayor Pro Tem Martha Sue Hall
10. **Ansonville**, No appointment made to date
11. **Badin**, Council Member Charles Council
12. **Belmont**, Mayor Charlie Martin
13. **Bessemer City**, Council Member Kay McCathen
14. **Charlotte**, Council Member Dante' Anderson
15. **Cherryville**, Mayor H.L. Beam
16. **Cleveland**, Mayor Patrick Phifer
17. **Concord**, Council Member Andy Langford
18. **Cornelius**, Commissioner Michael Osborne
19. **Cramerton**, Mayor Nelson Willis
20. **Dallas**, Mayor Rick Coleman
21. **Davidson**, Commissioner Autumn Michael
22. **East Spencer**, Mayor Pro Tem Shawn Rush
23. **Faith**, Alderwoman Jane Lingle
24. **Gastonia**, Council Member Jennifer Stepp
25. **Granite Quarry**, Mayor Brittany Barnhardt
26. **Harrisburg**, Mayor Jennifer Teague
27. **Huntersville**, Mayor Pro Tem Stacy Phillips
28. **Indian Trail**, Council Member Crystal Buchaluk
29. **Kannapolis**, Mayor Darrell Hinnant
30. **Kings Mountain**, No appointment made to date
31. **Landis**, Alderwoman Katie Sells
32. **Lilesville**, No appointment made to date
33. **Lincolnton**, Council Member Kevin Demeny
34. **Locust**, Council Member Rusty Efird
35. **Love Valley**, Council Member Mark Loden
36. **Lowell**, Mayor Sandy Railey
37. **Marshville**, Mayor Pro Tem Ernestine Staton
38. **Marvin**, Council Member Wayne Deatherage
39. **Matthews**, Mayor Pro Tem Ken McCool
40. **McAdenville**, Mayor Pro Tem Jay McCosh
41. **Midland**, Council Member Richard Wise
42. **Mineral Springs**, Council Member Jim Muller
43. **Mint Hill**, Commissioner Tony Long
44. **Misenheimer**, Council Member Jeff Watson
45. **Monroe**, Council Member James Kerr
46. **Mooresville**, Commissioner Bobby Compton
47. **Morven**, Council Member Corinthia Lewis-Lemon
48. **Mount Holly**, Council Member Christina Pawlish
49. **Norwood**, Commissioner Wes Hartsell
50. **Oakboro**, No appointment made to date
51. **Pineville**, Council Member Amelia Stinson-Wesley
52. **Ranlo**, Commissioner Robin Conner
53. **Richfield**, No appointment made to date
54. **Salisbury**, Mayor Karen Alexander
55. **Spencer**, Alderwoman Pat Sledge
56. **Stallings**, Mayor Pro Tem David Scholl
57. **Stanfield**, Commissioner Greg Lucas
58. **Stanley**, No appointment made to date
59. **Statesville**, Council Member Joe Hudson
60. **Troutman**, Council Member Jerry Oxsher
61. **Wadesboro**, Mayor Bill Thacker
62. **Waxhaw**, Commissioner Pedro Morey
63. **Wingate**, Mayor Gary Hamill



Kannapolis City Council

City Council Agenda Staff Report
December 9, 2024

To: Mayor and City Council

From: Mike Legg, City Manager

Subject: **APPOINTMENTS** - Motion to appoint Representatives to the Transportation Advisory Committee (TAC) and the Technical Coordinating Committee (TCC) of the Cabarrus-Rowan Urban Metropolitan Planning Organization (CRMPO) for the year 2025.
COUNCIL MEMBERS DAYVAULT AND WILSON (TAC). RICHARD SMITH AND BETH HASSENFRITZ (TCC)

Action Requested by City Council

Motion to appoint one Elected Official and one Alternate to the Transportation Advisory Committee (TAC) and one Staff Liaison and one Alternate to serve on the Technical Coordinating Committee (TCC).

Required Votes to Pass Required Action

Majority Present at Meeting

Background

Each year, the North Carolina Department of Transportation (NCDOT) requires that the Metropolitan Planning Organization (MPO) supply a list of current Transportation Advisory Committee (TAC) and Technical Coordinating Committee (TCC) representatives along with their alternates. The TAC and TCC appointees must be available to attend regular monthly meetings and also participate on regional transportation planning committees.

It is recommended that City Council appoint one Elected Official to serve as the City's representative and one Elected Official to serve as Alternate on the TAC and appoint one Staff Liaison to serve as the City's Representative and one Alternate to serve on the TCC.

At present, Council Member Ryan Dayvault is the appointed member and Mayor Pro tem Doug Wilson is the alternate to represent the City of Kannapolis on the TAC.

As to the Staff Liaison, it is recommended that Richard Smith, Planning Director, serve as the TCC representative and Beth Hassenfritz, Director of Engineering, to serve as the TCC alternate. Wilmer Melton, Assistant City Manager, directly supervises both of the recommended appointees and will remain engaged in the ongoing MPO affairs to lend his institutional knowledge and expertise to the process.

Fiscal Implications

None

Policy Issues

None

Legal Issues

TAC members are subject to provisions of the NC State Government Ethics Act, Chapter 138A of the NC General Statutes. There are two specific requirements: 1) State of Economic Interest (SEI) application, and 2) Real Estate

Disclosure Form. Current MPO TAC members and their alternate must electronically file their SEI and Real Estate Disclosure Form annually by April 15th.

Recommendations and Alternate Courses of Action

- 1. Motion to appoint one Elected Official to serve as the City's Representative and one Elected Official to serve as Alternate on the TAC. (Recommended)**
- 2. Appoint one Staff Liaison to serve as the City's Representative and one Staff Liaison to serve as Alternate on the TCC. (Recommended)**
3. Defer action to a future meeting.

Attachments

None



Kannapolis City Council

City Council Agenda Staff Report
December 9, 2024

To: Mayor and City Council

From: Walter Safrit, City Attorney, Annette Privette Keller, Director of Communications, Wilmer Melton, Assistant City Manager

Subject: **INTERLOCAL AGREEMENT** - Motion to approve an Interlocal Agreement between City of Kannapolis and City of Concord for the I-85 Monument Project and adopt a Budget Ordinance amendment. **APPROVED UNANIMOUS**

Action Requested by City Council

Motion to approve an Interlocal Agreement between City of Kannapolis and City of Concord for the I-85 Monument Project and adopt a Budget Ordinance amendment.

Required Votes to Pass Required Action

Majority Present at Meeting

Background

The City of Kannapolis and the City of Concord are working with NCDOT to have the unique opportunity to extend its wayfinding program at three I-85 interchanges (Exit 58 US 29/US 601/ Cannon Boulevard, Exit 60 - Dale Earnhardt Boulevard/Copperfield Boulevard and Exit 63 - Lane Street).

The next step is to approve an Interlocal Agreement between the City of Kannapolis and the City of Concord. The agreement outlines the responsibilities of each city to pay for their share of the project and management of the project. Bidding for the project would be Winter/Spring 2025 and construction of the monuments would begin in Spring 2025.

NCDOT has agreed to allow the cities to construct brick structures for the purpose of wayfinding and branding at the interchange ramps. The project will result in a collaborative comprehensive system that will welcome and shepherd residents and visitors as they navigate to and around Kannapolis and Concord.

At this time, the gateways we are proposing would be one of a kind in N.C., ensuring they will garner significant publicity for the cities – again reinforcing our brand and serving as key focal points of interest. NCDOT has previously not allowed cities to have gateway structures such as this. NCDOT has indicated that this project will be used as a pilot program for others in the state.

The project is an extension of the City's aesthetic beautification project already underway on Cannon Boulevard and the overall branding plan of the City.

The design of the monuments is similar to the Williamsburg architecture used in the downtown and the brick will be identical to that used for City Hall and includes a tower structure featuring the City's name and logo. The goal is for the monuments to be functional as wayfinding but also serve as pieces of public art.

There are two types of monument structures – Type A is four sided and taller in order to be more visible at the significant exits. Type A would have a height of 20 feet. Type B is two-sided would have a height of 17 feet. We would use a combination of the two designs at the exits. Type A will be at Cannon Boulevard and Lane Street, and Type B will be at Dale Earnhardt Boulevard.

Phase II of this project would allow for the monuments to be at the remaining I-85 exits in Kannapolis and Concord. In the future we would like to add one on NC 3 in the new roundabout.

NCDOT has given permission for the cities to use a contractor of choice versus using a NCDOT contractor which would have escalated the price of the project.

The cost for the three exits is estimated to be \$787,576 for Kannapolis and \$364,040 for Concord.

Fiscal Implications

This budget amendment funds the I-85 Monument project at three interchanges (Exits 58/60/63). \$81,000 of the total proposed \$787,576 was already funded for initial planning and design costs. This budget amendment funds the remainder of this project. The funding source is cash reserves (fund balance).

Policy Issues

None

Legal Issues

None

Recommendations and Alternate Courses of Action

1. **Motion to approve an Interlocal Agreement between City of Kannapolis and City of Concord for the I-85 Monument Project and adopt associated budget amendment. (Recommended)**
2. Do not approve the Agreement.
3. Defer action to a future meeting.

Attachments

1. Budget Amendment for I85 Monuments
2. I-85 Monument Project Interlocal Agreement (Kannapolis-City of Concord)

**ORDINANCE AMENDING BUDGET FOR THE
CITY OF KANNAPOLIS, NORTH CAROLINA
FOR THE FISCAL YEAR BEGINNING JULY 1, 2024, AND ENDING JUNE 30, 2025
Amendment # 25-19**

BE IT ORDAINED by the City Council of the City of Kannapolis, North Carolina meeting in open session this 9th day of December 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 funds the I-85 Monument project at three interchanges (Exits 58/60/63). \$81,000 of the total proposed \$787,576 was already funded for initial planning and design costs. This budget amendment funds the remainder of this project for the City of Kannapolis and Concord's portion. The City of Kannapolis will bill Concord for their portion.

SECTION I – General Fund

Revenue:	Increase: Appropriated Fund Balance Revenue: 19900-39900	\$706,576
Revenue:	Increase: Contributions from Concord Revenue: 10000-35450	\$364,040
Expenditure:	Increase: Non-Departmental: Capital Improv Expenditure: 10000-59400-I85	\$1,070,616

This ordinance is approved and adopted on this 9th day of December 2024

Milton D. Hinnant, Mayor

ATTEST:

Bridgette Bell, MMC, NCCMC
City Clerk

INTERLOCAL AGREEMENT
BETWEEN
CITY OF KANNAPOLIS, NORTH CAROLINA
AND
CITY OF CONCORD, NORTH CAROLINA

Dated as of ____, 2025

INTERLOCAL AGREEMENT

This INTERLOCAL AGREEMENT ("*Agreement*" or "*Interlocal Agreement*"), made and entered into this the ____ day of _____, 2025 (the "Effective Date"), between the City of Kannapolis, North Carolina, a municipal corporation created and existing under the laws of the State of North Carolina ("Kannapolis") and the City of Concord, North Carolina ("Concord"), a municipal corporation created and existing under the laws of the State of North Carolina ("the "Party" or "Parties).

WITNESSETH:

WHEREAS, the North Carolina Department of Transportation has completed a multi-year project for the widening and enhancement of the Interstate 85 highway through Cabarrus County including a substantial portion of the corridor lying between the municipal jurisdictions of Concord and Kannapolis; and

WHEREAS, there are eight Interstate 85 exits (the "Exits") within the corridor affected by the I-85 Project including Exits 49 (Concord Mills Mall), Exit 52 (Poplar Tent Road), Exit 54 (Kannapolis Parkway), Exit 55 (NC Highway 73), Exit 58 (US 29/US 601), Exit 60 (Dale Earnhardt Boulevard/Copperfield Boulevard) and Exit 63 (Lane Street) (collectively the "Exits"); and

WHEREAS, the Parties have received consent from NCDOT to use the Exits as branded gateways consisting of structural signage and landscaping (the "Monuments") in a comprehensive and collaborative system for welcoming visitors and shepherding residents into the jurisdictions in an aesthetic and informative manner consistent with the Cabarrus County county-wide Wayfinding System (the "Project" or "Gateway Project"); and

WHEREAS, the Gateway Project enhances the economic and aesthetic revitalization already underway in the downtown districts of the Cities and is an extension of the design and artful appearance associated with those revitalization projects as evidenced by the renderings shown in Exhibit "A" attached hereto; and

WHEREAS, Concord and Kannapolis are co-developers of the Gateway Project; and

WHEREAS, design, engineering, landscaping and location for the tower structures featuring each City's name and logo have been approved by NCDOT with an agreement to execute Encroachment Agreement(s) as are appropriate; and

WHEREAS, under Article 20 of Chapter 160A of the North Carolina General Statutes, as amended (the "*Interlocal Act*"), municipalities are authorized to enter into interlocal cooperation undertakings with other local governments for the joint exercise of any power, function, public enterprise, right, privilege, or immunity of local governments in North Carolina; and

WHEREAS, pursuant to N.C.G.S. § 160A-461, Concord desires to designate Kannapolis as its agent to carry-out the Project and Kannapolis is willing to accept the appointment pursuant to the terms of this Agreement; and

WHEREAS, the Parties wish to enter into this Agreement to govern the rights and obligations of the Parties with regard to their respective roles and responsibilities.

NOW, THEREFORE, in consideration of the foregoing, Kannapolis and Concord do hereby covenant, promise, agree and represent as follows:

1. AGENCY CREATED. Concord irrevocably appoints Kannapolis as its agent to carry out all phases of any construction for the Project undertaken pursuant to this Agreement. Kannapolis, as Concord's agent, assumes all of Concord's rights, duties and responsibilities regarding any construction for the Project. This agency shall govern all phases of any construction for the Project.

1.1 Negotiate and Execute Contracts. Kannapolis, for itself and as Concord's agent, shall have authority to negotiate and execute on Concord's behalf all contracts for the construction for the Project, including design services, including change orders, as long as such funds are within the Project budget established by the Parties

1.2 Supervise Project. Kannapolis, as Concord's agent, shall be responsible for completing the Project.

1.3 Administer Contracts. Kannapolis shall administer all contracts including purchase orders and all bidding processes. All activities shall comply with the Agreement, the North Carolina public bidding and construction laws and any other State law applicable to the Project. Kannapolis shall ensure that all contractors provide applicable sales and use tax certificates on a form agreed by the Parties. Kannapolis shall approve all requests for payment and shall pay the contractors from the funds designated for the Project by the Parties.

1.4 Enforce Contracts. Kannapolis shall have the right to enforce, and take legal action where necessary to enforce, purchase orders, contracts or change orders for the Project in its own name and on Concord's behalf.

1.5 Pre-Audit Certification. Pursuant to N.C.G.S. § 159-28, Concord hereby designates Kannapolis's Finance Officer to act as the Deputy Finance Officer of Concord for the limited, exclusive and sole purpose of pre-auditing the contracts and change orders executed pursuant to this Agreement as required by the Local Government Budget and Fiscal Control Act.

1.6 Reporting. Kannapolis shall provide Concord a report regarding the Project and any other such information on an at least a monthly basis in a mutually acceptable format, or as otherwise requested from time to time.

2. PROJECT DESIGN AND COSTS. Kannapolis shall be responsible for all project costs associated with the monuments to be located at Exit 58, 60, and Exit 63, on the Kannapolis side of the interchange having an estimated cost of \$787,576.00. Concord shall be responsible for all project costs for the monuments to be located at Exit 58 and Exit 60 on the Concord side of the interchange having an estimated costs of \$364,040.00. Estimated project costs are inclusive of construction, materials and project management. Any unanticipated costs which exceed the estimated cost or any proposed change orders must be approved by the affected City in advance. Any additional costs for the monuments at Exit 63 shall be the sole responsibility of Kannapolis. The Parties have agreed that the monuments shall conform to the Interstate Gateway Enhancement Program prepared by Bizzzell Design, Inc. dated October 24, 2024, a copy of which is attached hereto as Exhibit "A" and incorporated herein as part of this Agreement.

3. AGREEMENT TO WORK COOPERATIVELY. Concord and Kannapolis agree to work cooperatively and in good faith and with all due diligence to provide for and carry out the planning, design and construction of the Project.

4. OBLIGATIONS AND RIGHTS OF KANNAPOLIS.

4.1 Kannapolis as Agent. Kannapolis shall act as Concord's sole agent for the Project as provided in Section 1 herein and as such shall supervise the Project to its conclusion.

4.2 Insurance/Bonds. Kannapolis shall ensure that all architects, engineers and other contractors maintain the necessary liability insurance in the amounts required under the form contracts for the Project. Both Concord and Kannapolis shall be listed on all such policies as a certificate holder and additional insured. Kannapolis shall ensure that all contractors provided the appropriate performance and payment bonds for the Project. Both Concord and Kannapolis shall be listed on all such bonds as a co-obligee. Notwithstanding any provisions of this Agreement, Kannapolis shall retain the sole power to control and direct the application and distribution of insurance and bond proceeds applicable to the Project.

4.3 Use of the Properties. During the term of this Agreement, Kannapolis shall have the exclusive right to possess, use, occupy and improve any properties used for the Project, including without limitation, the right to conduct surveys, soil borings and other necessary testing upon the property prior to construction, the right to use, operate, maintain and repair said property.

4.4 Indemnity. To the extent permitted by law, Kannapolis shall indemnify, defend and hold harmless Concord from and against all claims, suits, actions and proceedings whatsoever which may be brought or instituted on account of, growing out of, occurring from, incident to or resulting from, directly or indirectly, any and all damages, claims or losses arising from any injuries or damages, including without limitation death, to persons or property arising out of the construction, use and/or management of any contracts and/or properties under this Agreement, and the negligent or willful acts and omissions of Kannapolis and those for whom it is legally liable, and all losses, costs, damages and expenses (including, without limitation, reasonable attorneys' fees), unless and to the extent such injuries or damages (including, without limitation death) result from, or are claimed to have resulted from the negligent acts of omissions of Concord. Kannapolis shall assume, on behalf of Concord, and conduct with due diligence and in good faith, the defense of all such claims, suits, actions and proceedings against Concord whether or not Kannapolis is joined therein, even if such claims, suits, actions or proceedings be groundless, false or fraudulent and Kannapolis shall bear the costs of all judgments and settlements in connection therewith; provided, however, Concord may defend or participate in the defense of any or all such claims, suits actions or proceedings.

5 OBLIGATIONS AND RIGHTS OF CONCORD.

5.1 Right to Inspect. Concord and its designated representatives shall have the right to enter upon the site and inspect the Project from time to time and anytime during construction. Concord representatives shall also have the right to review and inspect any contract, change orders or other contract amendments approved by Kannapolis.

5.2 Easements. Concord shall acquire all easements or other real property interests required for the Project.

5.3 Indemnity. To the extent permitted by law, Concord shall indemnify, defend and hold harmless Kannapolis from and against all claims, suits, actions and proceedings whatsoever which may be brought or instituted on account of, growing out of, occurring from, incident to or resulting from, directly or indirectly, any and all damages, claims or losses arising from any injuries or damages, including without limitation death, to persons or property arising out of the construction, use and/or management of any contracts and/or properties under this Agreement, and the negligent or willful acts and omissions of

6 OWNERSHIP AND MAINTENANCE. Upon completion of the Project, each Party shall own and maintain the Monument located in the easements area designated for such Party at each Exit. In the event a property interest conveyance or easement is necessary or advisable, each Party shall assist the other Party with such conveyances. The Parties represent and warrant to the other that they will engage in routine maintenance of the Monuments and the surrounding area as well as their long-term restoration and preservation.

8 **TERMINATION.** This Agreement shall terminate five years from the Effective Date or upon one hundred eighty (180) days written notice from one Party to the other Party subject to payment of any outstanding financial obligations, save and except any provision relating to indemnification which shall expire two years following substantial completion of the Project or termination of this Agreement. In the event of a breach of this Agreement by either Party, the non-breaching Party shall notify the breaching Party of the nature of the breach. The breaching Party shall have thirty (30) days to cure said breach. The failure to cure any breach shall be grounds for immediately terminating this Agreement. In the event any portion of this Agreement is rendered invalid or unenforceable by a court of competent jurisdiction or by an act of the North Carolina Legislature, the Parties may negotiate the termination of all or a portion of this Agreement.

(i)	If to Concord:	Manager, City of Concord 35 Cabarrus Ave W Concord, North Carolina 28025
(ii)	If to Kannapolis:	Manager, City of Kannapolis 401 Laureate Way Kannapolis, North Carolina 28081

Interlocal Agreement (Kannapolis-City of Concord)

10.1 Further Assurances; Corrective Instruments. Concord and Kannapolis agree that they will, from time to time, execute, acknowledge, and deliver, or cause to be executed, acknowledged and delivered, such supplements hereto and such further instruments as may reasonably be required for correcting any inadequate or incorrect description of any property or for otherwise carrying out the intention of this Agreement.

10.2 Liability of Officers and Agents. No officer, agent or employee of any party will be subject to any personal liability or accountability by reason of the execution of this Agreement of any other documents related to the transactions contemplated hereby. Such officers, agents, or employees will be deemed to execute such documents in their official capacities only, and not in their individual capacities. This will not relieve any such officer, agent or employee from the performance of an official duty provided by law.

10.3 No Third-Party Beneficiaries. There are no entities which are, or which are intended as third-party beneficiaries of this Agreement.

10.4 Counterparts. This Agreement may be executed in several counterparts, including separate counterparts. Each will be an original, but all of them together constitute the same instrument.

10.5 Allocation of Personnel. The City Managers will allocate personnel to the purposes outlined in the Agreement to the extent required to complete the obligations of this Agreement.

10.6 Method of Financing. Concord and Kannapolis will finance their obligations stated in the Agreement in accordance with their normal appropriations processes and procedures.

10.7 Severability. If any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

10.8 Governing Law. This Agreement shall be governed by and in accordance with the laws of the State of North Carolina. All actions relating in any way to this Agreement shall be brought in the General Court of Justice in the County of Cabarrus.

10.9 Integrated Agreement. This Agreement shall constitute the entire understanding between the Parties and shall supersede all prior understandings and agreement relating to the subject matter hereof. Exhibit "A" attached hereto is incorporated herein as a part of this Agreement.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be approved by Resolution and executed in its corporate names by their authorized officers, all as of the date first above written.

(SIGNATURE PAGE TO THE INTERLOCAL AGREEMENT BETWEEN CITY OF KANNAPOLIS AND CITY OF CONCORD CONTINUED ON NEXT PAGE)

CITY OF KANNAPOLIS, NORTH CAROLINA

By: _____
City Manager

Attest: _____
City Clerk

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

Finance Officer
City of Kannapolis, North Carolina

(SIGNATURE PAGE TO THE INTERLOCAL AGREEMENT BETWEEN CITY OF KANNAPOLIS AND CITY OF
CONCORD CONTINUED ON NEXT PAGE)

CITY OF CONCORD, NORTH CAROLINA

By: _____
City Manager

Attest: _____
City Clerk

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

Finance Officer
City of Concord, North Carolina