

KANNAPOLIS MATTERS

A PERIODIC UPDATE OF ISSUES, ACTIVITIES AND OBSERVATIONS
FROM CITY MANAGER MIKE LEGG

OCTOBER 2009

It is my pleasure to provide to you this first edition of **Kannapolis Matters**, a periodic update of issues, activities and observations from the City of Kannapolis. I hope you find this update informative and, on occasion, thought provoking. Most of the content will simply be designed to inform. However, on occasion, opinion, and broader observations, will be included. It is my hope that this update will be provided monthly but its schedule will be based on the amount of new activity happening in our City. The document will be distributed via e-mail and will be posted on the city's website: www.cityofkannapolis.com. If you would like a hard copy, please let me know. Sometimes the document will include links to other information. Also, the summaries will often include the primary piece of information **highlighted in red** so you can easily and rapidly get the information you need just by skimming the pages.

Our City departments and other staff in the City Manager's office will play a critical role in keeping this update fresh and informative. Many thanks go to each of them for their assistance in compiling much of the information contained in this first edition. This first edition is much longer than I intend the future issues to be, but this one does include a summary of key legislation that came out of the long session of the General Assembly.

The first three months of the new fiscal year (since July 1) have been rather busy, but at the same time, oddly surreal. After such a dramatic upswing in growth and change since the NCRC announcement in 2005, we have found ourselves in a rather frustrating "wait and see" mode as of late. Development activity has slowed significantly over the past year. Construction permit issuance has slowed to levels not seen in our area in a few decades. Of course, Kannapolis is not alone in this dramatic shift. The good news is that it appears that we are on a potential upswing. Development inquiries are on the increase and some development activity is starting to pick up (e.g., mass grading at Kellswater on Kannapolis Parkway). I remain incredibly hopeful for the future of Kannapolis. I believe that the current economic challenges will soon be a footnote to the bigger and better days ahead.

I hope you enjoy reading this first edition of **Kannapolis Matters**. Please feel free to offer suggestions as to how to improve this effort via content, design or distribution.

Regards,

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Dakota Street Culvert Replacement.

Permits have been issued for replacing this creek crossing on this critical east-west connector road. Contracts have been signed with the lowest bidder, Wayne Brothers, Inc. with a bid of \$559,621.86. There were 21 bids that ranged between the low bid and \$947,647. The engineer's estimate for the project was 850,299. Preliminary staking has already occurred and site clearing has started. Additional detour signs and other traffic control measures have been implemented to minimize vehicular traffic through adjacent neighborhoods (especially Suburban Woods) during construction. Construction is slated to begin the week of October 12. **Substantial completion is scheduled for 120 days (February 2010).** There is still no firm commitment from the State regarding the emergency funds Kannapolis was originally awarded for this project in response to the remnants of Tropical Storm Fay. Obviously, the state budget crunch had an impact on these funds being released. However, the State has reimbursed the City for certain other expenditures related to this storm damage - so we remain hopeful that funding will come through. If not, debt service will be worked into the FY 2011 budget.

Stadium Drive Bridge Repairs.

Design on the bridge repairs at Lake Fisher at the Intimidator's Stadium has been completed. The total project budget is \$377,500. However there are many unknowns. A lot of the project is going to be contractor risk rather than material & labor cost due to the contractor having to holding back the lake and hoping that it doesn't rain on the project. Similar to the Dakota Street project, State emergency funds are still not being released for this project which was also approved after Tropical Storm Fay. As you may recall, the backup plan is to rely on Rowan County's stadium fund to pay for the improvements. However, the County has only informally agreed to this, so we will need to close up that loose end if the State funding is not secured by the time the project is bid.

The Army Corp of Engineers has approved the project will allow the activity to proceed under a nationwide permit. Special provisions for the project have been completed for the abutment stabilization. **Construction dates for contract documents are being finalized but the target is November 10th to receive bids. The project is expected to take 90 days for substantial completion (likely early spring 2010 – prior to the start of the next baseball season).** As described above, this project will be very weather dependant. If there is little rain, the project will be quick, but if it rains, it may flood the project area and the work area will have to be pumped out before work can begin again.

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Concord Lake Road/Mt. Olivet Intersection.

The Mt. Olivet Road CMAQ (federal air quality) project will consist of the addition of a right turn lane on Mt. Olivet Road at NC Hwy 3 (Concord Lake Road) and pavement widening along NC Hwy 3. The additional turn lane on Mt. Olivet will be provided by widening on both sides of the existing roadway with curb and gutter. The final cross section on Mt. Olivet will have a left and right turn lane onto NC Hwy 3. A 5' sidewalk will be added on the south side of Mt. Olivet Road for the project length. The project will also include upgrades to the sanitary sewer system and new storm drainage. The total project length on Mt. Olivet Road is 400 linear feet. **Right-of-way acquisition is near completion. The project is scheduled to begin in spring 2010. Project Completion expected in fall of 2010.** The widening along NC Hwy 3 will be to accommodate a future left turn lane onto Mt. Olivet. NCDOT will pursue spot safety funding for improvements on NC Hwy 3 to include a striped left turn lane, structural overlay, and a traffic signal.

Pump Station Bridge Replacement.

This project is completed and the contract completion documents are being finalized.

I-85 Widening.

Several City staff attended the NCDOT meetings regarding the I-85 widening from 4 lanes to 8 lanes from I-485 to NC 73. The only real impact to the City of Kannapolis is at exit 55 (NC 73). Staff has requested that the project scope be extended to widen (and curb and gutter) NC 73 to four lanes for a few hundred yards west of the interchange to the intersection of Biscayne Drive. Staff has also requested that NCDOT realign Stanley Drive to Biscayne Drive (and relocate the traffic signal) to eliminate the offset intersection. Staff intends on making this request as part of the formal public input process that ends October 15. No changes to the alignment will occur at exit 54 (Kannapolis Parkway). However, sound barriers are proposed at exit 54 to protect the Farm Hill subdivision across from Afton Ridge. Staff explained to NCDOT staff that the residents are pursuing changes to their property from residential to commercial and that the sound barriers may not be appropriate at this location in the future. DOT staff indicated that the ultimate decision will fall to the residents in the form of a vote. **The I-85 widening project is expected to begin in 2011. Construction is expected to last 3 years.** As you know, there is no funding availability yet for the section of I-85 north of NC 73 through southern Rowan County.

Rogers Lake Road Railroad Crossing.

City staff participated in a recent conference call with NCDOT-Rail Division staff and representatives with Gannett Fleming (NCDOT's engineering firm). The discussion was to resolve some drainage issues that had been brought up at the public information meeting in

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July. NCDOT staff has indicated that they are planning on advertising the project by December of this year and **the construction start date would be sometime in the spring of 2010. Project completion expected in fall of 2010.** Unfortunately, we are at the mercy of NCDOT on this one but staff will continue to encourage them to maintain this schedule.

NCRC - Laureate Way/Watson-Crick Drive.

Stripping and object markers have been installed. Decorative street name signs were scheduled to be installed the week of October 12 and the roads will be open to traffic. Final pavement has not been installed on any of the NCRC streets or on Main Street. Those improvements are pending future TIF funding.

Loose Leaf Collection.

Loose leaf collection starts Monday, October 19, 2009 and ends March 5, 2010. Collection will be every two weeks based on the resident's assigned zone (same as last year). Maps can be viewed on the City website (http://www.ci.kannapolis.nc.us/article_2009_09_28.asp), at the Customer Service Center, or at the Public Works Operation Center.

CK Rider Transit Center.

The new CK Rider Transit Center is well under construction on S. Ridge Avenue near US 29. **The building is scheduled to be completed on July 2010.** This City of Concord is managing this construction as the lead agency for the transit system.

American Reinvestment and Recovery Act (ARRA or "Stimulus") Update.

- **Fire Station Construction Grant.** The City applied for, but was not awarded, a grant for the construction of Fire Station #2 (replacement station). No fire stations in the Charlotte region were awarded a grant. North Carolina received six grants. With the exception of the Winston-Salem FD and the Sunset Beach FD, the other 4 North Carolina recipients were Volunteer FDs scattered throughout the state.
- **Energy Grant.** Funding for the hybrid vehicles was rejected by the Dept of Energy due to rule changes after the grant was submitted. The grant cannot fund hybrid vehicles in their entirety. They can only fund the cost difference between a regular vehicle and a hybrid. As a result, staff is recommended a focus on the installation of energy efficient pumps at the Water Treatment Plant.
- **HUD Grant.** Per recent City Council action, the supplemental ARRA grant of just over \$100,000 will go towards the Hudson-Wood St connection in the Carver neighborhood.

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- ***DOT Paving Projects.*** The following paving projects are being funded by NCDOT: Dale Earnhardt Blvd (parts); Lane Street; West C Street. All of these projects are underway or soon will be.
- ***First Street/Main Street/Ridge Avenue Signals.*** Construction plans have been submitted to NCDOT which involve replacing, installing and synchronizing signals at the NCRC on Main Street and at the Rail crossing on First Street and Ridge Avenue. The right of entry agreements have been submitted to NCDOT. Final right of way agreements are being developed for the City's and Castle & Cooke's signatures. This will be a DOT project with no apparent local match required.
- ***Pedestrian Tunnel and Stormwater Line.*** Construction plans have been submitted to NCDOT. The right of entry agreements have been submitted to NCDOT. Final right of way agreements are being developed for the City and Castle & Cooke's signatures. The local match (\$1.5 million) for this \$2.7 million project will be funded from the planned interim TIF package.
- ***KPD Department of Justice Grant.*** Approximately \$72,000 was received by the KPD. The plan is to use the funds to purchase 23 additional radios for the pending conversion of our regional radio system to digital.

News from the Kannapolis Police Department.

- ***Project Safe Neighborhoods.*** The next notification of offenders for Project Safe is scheduled for October 29, 2009 at 4:00 PM at the Concord Police Department. There are six individuals scheduled for notification. Please see Woody if you have an interest in attending.
- ***T3 Electric Vehicles.*** The two T3 electric vehicles, which were purchased with a CMAQ (Federal Air Quality) grant, have arrived. Officers have already been utilizing them on the Research Campus and Greenways. They are an excellent way to access tight areas and interact with citizens.
- ***Armored HUMMV.*** KPD has acquired an armored HUMMV from the North Carolina Crime Control and Public Safety at no cost. The vehicle was declared surplus by the military and is valued at \$26,600. The vehicle will be used in high risk incidents, such as barricaded subjects, hostage situations, extractions, and armed confrontations.
- ***Ballistic Vest Grant.*** KPD recently received a \$5,367.26 reimbursement from the Department of Justice. DOJ pays up to 50% on replacement vests. The KPD replaces its vests on a five year, scheduled replacement cycle.

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- ***Citizen's Police Academy.*** KPD is in the final stages of planning and implementing a Citizen's Police Academy here at the Department. In-house instructors will be utilized. KPD anticipates 12 citizens in our first academy which is scheduled to meet one night a week and will last for last for twelve weeks. The hope is that the first class will be offered in the spring of 2010. More to come on this topic.
- ***2008 Police Statistics recently released:***
 - The City's overall crime rate rose 0.4%.
 - The violent crime rate dropped 9%
 - The property crime rate rose 1.9%
 - The KPD averaged 1.7 officers per 1,000 citizens compared to an average of 2.6 for police departments and 1.7 for sheriff's offices.
 - Kannapolis' overall crime rate is still about 50% lower than similar cities in NC.
- ***Total FY 2010 First Quarter Alarm Calls:***

	July 09	August 09	September 09
Commercial	113 (110 false)	117 (112 false)	83 (81 false)
Residential	91 (91 false)	69 (69 false)	81 (81 false)
Robbery/Panic	5 (5 false)	5 (4 false)	2 (2 false)

Churches and schools continue to make up the majority of multiple false alarm calls.

- ***Total FY 2010 First Quarter E-911 calls for service:***

	July 09	Aug 09	Sept 09	First Quarter: average calls per day
Police	3,775	3,730	3,486	119.5
Fire	473	439	462	14.9
Misc.	315	276	180	8.4

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News from the Kannapolis Fire Department.

- **Home House.** The Fire Department held their 2nd annual Open House on Saturday October 4th. The event was filled with safe awareness activities for kids and their parents. Attendance this year was over 750 citizens.
- **Parking Smarter Program.** The Fire Department implemented a new program to help improve response times for emergency vehicles. The new campaign, dubbed "Parking Smarter," will help educate residents in areas where on-street parking sometimes blocks the routes of emergency vehicles. The department plans on attending homeowners association meetings to get the word out to the community.
- **Start Safe Program.** The Fire Department's Risk Reduction Division is rolling out a new pre-school safety program call "Start Safe". North Carolina is the first state and Kannapolis one of the first cities to begin conducting these preschool programs. This program is unique in that it carries one message throughout which is "I Spot Something Hot." The program has colorful handouts, a fun song, and involves teachers and families.
- **HazMat Training.** In an effort to continue to prepare firefighters for hazardous materials and chemical emergency responses to the NCRC, the department has conducted a Hazardous Material Technician class and a Chemistry class. These classes provide firefighters with the knowledge necessary to handle unique emergencies associated within the research environment.

E-911 Communication Systems.

As described in the FY 2011 budget, the City's current 911 communications systems (computer stations, software, external connections) is soon to be obsolete (mostly meaning that if something goes wrong, there is not support for repairing or upgrading the problem). Concord and Cabarrus County are in the same position where these systems need to be replaced. Cabarrus County has recently proposed partnering with the purchase of a system that would serve all three jurisdictions. We had previously been coordinating only with Concord on a system. However, **after a presentation on the proposed system that the County is considering, this offer appears to be very attractive to Kannapolis.** The County has also tentatively offered to pay for the new systems out of 911 funds it collects county-wide. It is doubtful that they would offer this unless all three systems are the same. A presentation on this will be coming back to City Council within the next couple of months. This has nothing to do with the Regional 911 Radio System (conversion of the 800 MHz system to digital).

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Conversion of 800 MHz Radio System.

Several City staff recently met with staff from Concord and Cabarrus County regarding the options for replacing our analog 800MHz 911 communications system (towers and equipment). The options are essentially a stand alone system that isolates Cabarrus County or a regional system managed by the City of Charlotte. **While there are a few questions that still need to be answered, the regional system generally looks attractive to Kannapolis.** It is pretty clear that this is the direction that the County wants to go. A presentation to City Council will be made once more details (included full cost estimates) are clear. Through numerous grants and federal earmarks, our Police Department has already replaced most of its mobile radios with digital versions. We will now begin to work on other departments (Fire mostly). We are ahead of the game on the radio side, but the communications equipment side is still looming. In the short term, Concord's radio service has flashed all of our portable and mobile radios. This upgrade will ensure our analog radios are compatible until the digital transition takes place.

Interim NCRC TIF Bonds.

City Staff continues to work on alternative financing plans to implement an interim NCRC TIF plan. The goal is still to implement a financing plan in the range of \$25-30 million that encompasses all of the different interests: 1) construction of two projects that have outside funding support from the federal government (downtown waterline replacements and the Village Park pedestrian tunnel/NCRC stormwater line), 2) Construction of the Cabarrus Health Alliance Building downtown, and 3) reimbursements to both the City and Castle and Cooke for cash spent in anticipation of the bond issuance. More will come on this topic in the next few weeks.

Shutdown of Time Warner Channel 7.

Effective within the next month or sooner, **Time Warner will cease production of its local programming.** Most notably that will mean that it's Channel 7 will go dark (including the "swap and shop"). Another station will moved to channel 7. Time Warner will also close its operations on Kansas Street in Kannapolis, although they will continue to use the facility for non-broadcasting purposes. The government and education channels will continue to operate. This is another sign of the times.

Cooperative Christian Ministries Teaching Houses.

Cooperative Christian Ministries (CCM) has approached City staff about the possibility of the City partnering with CCM on their Teaching Housing program. **This program helps families transition from homelessness to more stable housing.** Basically the families are placed in a CCM owned or rented house and they receive a complete set of services to help

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them get back on their feet and learn to manage their money and personal affairs. The typical timeframe for a family to be in the program is 1-2 years. We have talked with CCM director Ed Hosack about the partnership possibilities and we have identified two possibilities:

- 1) Bethel Baptist Church is donating a house to CCM, but it needs to be moved off the church property to allow for the church's expansion. The house will be rehabbed with funds from the Cannon Foundation. CCM needs land to put the house on, preferably in the Bethel neighborhood to reduce the distance (and cost) to move the house. City staff has sent a few letters out to property owners in the immediate vicinity of the Church to see if there is any interest in selling their vacant tracts. **If an opportunity arises, we would bring back a plan to City Council to consider a purchase of the tract using HUD HOME funds to provide for CCM to use.** These HOME funds are available as program income from home sales from Prosperity Unlimited. We could either give the land to CCM (with the restriction that it be used for HOME eligible projects such as transitional housing), or we could keep the land and Ed has indicated a willingness to give us the house back after a number of years. CCM would take full responsibility for maintaining the property.
- 2) The City also owns a house at 115 Cline St. (off South Main St.), with the intention of bulldozing it and building the Fisher St. extension through the property at some point in the future. This may no longer be the priority it once was - but eventually the road extension will be built. The house is in decent condition but needs some rehab work. **One option is to use HUD HOME funds to rehab the property and then allow CCM to use the house for their program for a set number of years (3-5 yrs possibly).** The length of time could be variable and subject to 6 month minimum notice for them to vacate if/when the City decides to build the road. Once the property is rehabbed and occupied, CCM would need to take on the responsibility of maintaining the property.

Federal Appropriations Update.

Here is the latest update from our team at Martin Fisher Thompson in Washington DC:

- It appears that there will be **\$1 million appropriated for the Human Nutrition Research Center** in the final Agriculture Bill. The House and Senate have completed conference on the bill, although neither body has formally passed it yet. The House is expected to pass it this week and Senate will likely follow suit shortly thereafter. As you may recall, the House bill included \$500,000 with the Senate version including \$1 million.

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The funds will flow directly to the Dept. of Agriculture for establishing a research presence in Kannapolis.

- The Homeland Security Bill (including *8th St Culvert project*) is in conference but the final product has yet to emerge. **The House version included \$425,000 for the 8th Street Culvert project** (about 40% of the total cost). A conference meeting was held this week and this project was included in the final version. However, before we go too far, it is important to remember the trouble we have experienced with the Dakota Street and Kingston Drive “earmarks” related to flooding problems. Without going into too much detail, both of those projects were ruled ineligible by the state agency managing the FEMA program. We continue to try to find a way to resolve that through the offices of Rep. Kissell and Rep. Coble but there are few options. Unfortunately, this project may fall to the same fate. I suppose we should just stop asking for these projects because the end up being funded (or, not funded) the same way.
- The Commerce, Justice, Science Bill (*Regional 911 Radio System*) has been passed by the House but not the Senate. The Senate began debating the Bill this week. **The House version included \$575,000 for Concord and Kannapolis for the regional radio system upgrades.** No funds are included in the Senate version yet.

Meanwhile, all of the departments in the federal Executive Branch are operating under a Continuing Resolution (CR) that will expire October 31st. The Congress hopes to pass all the individual appropriations bills before the CR clock runs out so it should be an active couple of weeks. Martin Fisher Thompson will keep us updated as things progress.

City of Kannapolis 2010 Federal Appropriations Summary October 14, 2009

	Amount submitted by House/Senate member					Action Taken by Congress		
	Kissell	Watt	Coble	Burr	Hagan	House	Senate	Final
Albemarle Waterline	\$1.0 MM	\$1.0 MM	\$1.0 MM	\$1.0 MM	\$1.0 MM	--	--	--
USDA Research Center	\$2.0 MM	--	--	\$2.0 MM	\$2.0MM	\$500K	\$1.0 MM	\$1.0MM
911 Radio Upgrades	\$1.0 MM	\$1.0MM	\$1.0 MM	\$1.0MM	\$1.0MM	\$575K	--	TBD
Rogers Lake Rd Overpass	\$6.8 MM	--	--	--	--	--	--	--
W. Cabarrus County Water Improvements	\$3.8 MM	--	--	--	\$3.8 MM	--	--	--
East Kann. Elevated Water Tank	\$2.5 MM	--	--	--	\$2.5 MM	--	--	--
8 th Street Culvert	\$1.2 MM	--	\$1.2MM	--	--	\$425K	--	TBD
Bandwidth Connectivity for NCRC	\$1.715 MM	--	--	--	--	--	--	--

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Customer Service News.

The new Customer Service Center on Dale Earnhardt Boulevard has been up and running for several months. The consensus from employees and citizens has been that the new location is far better in providing customer care than the previous location. Several internal improvements have been made to streamline processes and offer better service to our citizens. Several technology enhancements are either underway or have been completed:

1. **Barcode System.** A barcode system has been implemented for all water and sewer bills. This has been the highest priority technology change in the Customer Service Center. This system (which is obviously not new technology) **eliminates the need to manually enter in billing data every time a bill is processed.** You may have noticed a bar code is now printed on the bills. One scan is all it takes for the information to be in the system – which saves a tremendous amount of staff time.
2. **CheckFree – Receipt of Bank Electronic Transfers.** CheckFree is the second highest priority change at the Customer Service Center due to the positive impact it would have on our customers and the Customer Service Center staff workload. Currently, the Customer Service Center receives between 1,300-1,500 bank generated paper checks every month from banks in the community. These checks are for payments the banks have printed and mailed when payments are requested by a customer through his or her bank's online web site bill pay system. Most business recipients of payments have bank generated or on-line payments made electronically. **By setting the City of Kannapolis up to process these types of payments electronically, instead of by paper check, we eliminate the receipt of paper checks directly from banks. Individuals will still be able to submit their own checks as payment.** This change will eliminate the amount of time staff members are needed to open, sort, post, and prepare a bank deposit for online bank payments. The CheckFree project also cuts the amount of time it takes for us to receive payments from our customers (3-7 days). Once we implement CheckFree we will receive payments electronically on the same day the customer directs their bank to pay the funds. Currently, due to the time lag, the Customer Service Center staff sometimes experience issues when a check is received after the due date which can cause an unpleasant customer service experience for our citizens. CheckFree implementation will favorably impact and benefit approximately 8-9% of our residents who use their bank's on-line banking service to pay their bills. This change will be implemented in early 2010.

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3. ***eCare – Receipt of Website-based Credit Card Payments.*** The third highest technology improvement priority at the Customer Service Center is **eCare**, which will permit citizens to pay bills via the City’s website. It is estimated that this change will positively impact an estimated 3-5% of our residents. The Customer Service Center currently has numerous customers who are anxiously awaiting eCare in order to pay their bills online. Once the CheckFree system is running, these same customers will be able to go to their bank website and pay their bill online. However, banks do not always permit credit card payments via their online bill pay systems. This change would permit citizens to do this via www.cityofkannapolis.com. The City currently has a toll free number which customers may use to pay their bills over the phone using their credit cards or electronic check. This particular improvement has a per-transaction fee attached to it. This will bring with it a policy decision for City Council; to charge users the fee or to absorb it. A presentation and recommendation will be coming to City Council on this in the next few months.

Kannapolis Magazine.

The upcoming edition of the Magazine is a look back at the 25 years of the City since incorporation in 1984. I think you will be pleased with the magazine in both design and content. It is rather inspiring to reflect back on the accomplishments of our young City over the past quarter century. To view past magazine editions go to the City’s website: http://www.ci.kannapolis.nc.us/dept_ch_media_resources.asp.

25th Incorporation Anniversary.

Staff is working on a fairly **low-key celebration of our 25 years since incorporation** with a reception and recognition of our accomplishments. We are looking at the final City Council meeting of the year (December 14, 2009) for a pre-meeting reception, some recognitions at the meeting and a reflection on the last 25 years. December was the month the City’s incorporation became effective in 1984. Suggestions for this celebration are welcomed.

City Council Retreat.

The Council Retreat is set for December 3th (at Pity Sake from 10:00 am to 8:30 pm w/ lunch and dinner served) and December 4th (at the Core Lab from 8:00 am to 12 noon w/ only a light breakfast served). The agenda is being finalized. So far topics include, curbside recycling, Police HQ planning, a reprioritization of the capital improvement plan (water/sewer, parks, fire, streets/stromwater), economic development strategies, and historic preservation.

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Development Update.

As you might expect, private development continues to move at a very slow pace. Single-family residential development and home construction is slower than the past few years but it has not come to a complete stop. However, two apartment projects (the Grand on Trinity Church Road@Orphanage Rd) and Integra Springs (off Rogers Lake Road@Kellswater) are underway, with the Grand opening in the next few weeks. **The Grand** appears to be a \$23 million investment. **Integra Springs** will likely be more than that. There are a number of churches that are under construction in various locations in the City.

Some limited infill commercial is occurring around the City. Existing spaces are being utilized which is a good thing. The **Rug and Home** announcement was perhaps more significant than it may appear. Filling vacant big box spaces with thriving businesses is a significant economic development success in a down economy.

A new **Mexican Restaurant** is under construction at Afton Ridge. Construction appears to be about 50% complete.

Cabarrus Family Medicine's new building on Kannapolis Parkway is progressing rapidly. CFM's plan is to move some of the doctors (maybe most) from the downtown office across from Food Lion to this new facility. At some future point, CFM will likely occupy space in the medical office building planned for the NCRC.

Piedmont Behavioral Health is gearing up to begin construction of a new office facility on Kannapolis Parkway, south of Hospice site. This project is part of a planned office and mixed use park and it will occupy the rear of the project (so there may be little evidence of this construction from the Parkway).

It appears that the **CMC-NE Emergency Facility** will begin construction on Lane Street at I-85 Exit 63 as soon as Living Waters Church (Lane Street Church of God) completes its building on Little Texas Rd. That should happen in the next 6 months or so. Across the street, there are big changes to the **Fisher Lake Farms project**. The property owner (partnering with Anthony Sparrow – formerly with Castle and Cooke) has transformed the project to a mixed use development consisting of office, retail and hotels. They completed some land swaps with the City of Concord to further facilitate their project. The residential component has been scrapped. This project is located right across from the new hospital facility, across from the entrance to the Intimidators Stadium, is a gateway to the NCRC and is immediately adjacent to I-85; these factors make this a tremendous area of economic

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activity for the City. The Brantley Estate is also at this interchange – giving the City even more opportunity.

The mass grading continues at **Kellswater**, mostly to facilitate the Integra Springs project. The end result of this work will be a large expanse of viable commercial and office space to market. Once the economy turns around, this will be an explosive area for the City. There are also some emerging home building activities at Kellswater that are under consideration.

RCCC's Biotechnology Training Center on the NCRC is progressing. Spring 2010 is the target date for completion. Little other construction activity is occurring on the NCRC.

The new 4-story **Biotechnology Academy building (science wing) at A.L. Brown** is underway with completion scheduled for August 2010, in time for the next academic year. The new facility, which somewhat mirrors the DHM Core Laboratory building in design (including a dome) will ultimately house new and enhanced curriculum in the school's science and technology departments. The project is on track for LEED Certification. The renovations to the **A.L. Brown Vocational Building** are also underway.

Wayne Brothers' **Concrescere Business Park** is still on hold pending improvements to the economy. Much of the acquisition of right of way for the utility projects is completed but no other action on the construction will occur until Wayne Brothers is ready to move forward again.

Riverpointe Subdivision on Shiloh Church Road was responsible for a lot of our building permit numbers over the past few years. D.R. Horton fell into financial difficulties in 2008 and stopped most of its construction in this development. A new group, Wayne Patrick Holdings, has purchased the remaining phases (approximately 550 lots on the preliminary plats) and is gearing up to start building homes within this development. They anticipate beginning construction on their first model home within the next 2-3 weeks.

The **old Winn Dixie building** on South Cannon Boulevard at McLain Road will soon be occupied with a Save-A-Lot grocery store and Big Lots. We still haven't received any answers concerning the future of the existing Big Lots store on North Cannon Blvd.

The potential redevelopers of **the old A&P building** on North Cannon Blvd. appear to be continually moving forward with a plan to reuse this building as a climate controlled document storage and office facility. However, they are moving much slower than anticipated and haven't indicated a date for opening. This is one of those projects that may or may not happen depending upon a variety of outside influences.

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The following is a summary of permitting activity in recent years:

Total Development Permits Issued 2007-current:

FY 2007: 1,370 (record)
FY 2008: 1,055 (- 23% from 2007)
FY 2009: 883 (- 16% from 2008)
FY 2010: 163 (first quarter only; vs. 198 in 2009)

Single Family Home Permits Issued 2007-current:

FY 2007: 619
FY 2008: 492 (- 21% from 2007)
FY 2009: 339 (- 31% from 2008)*
FY 2010: 28 (first quarter only; vs. 48 in 2009)*

** Note: The Grande Apartment project (240 units) was permitted in FY 2009; The Integra Springs Apartment project (312 units) was permitted in FY 2010.*

Influenza Preparation.

Tina Cline, HR Director, has recommended a comprehensive strategy for addressing the threats to City operations from the H1N1 and other flu illnesses. The strategy is now being implemented. The primary actions include: 1) keeping sick persons at home, 2) sending sick persons already at work home, 3) various prevention measures (including vaccination), and 4) directions for city departments to prepare for the potentially negative impact on operations should the flu gain in numbers. The City is providing flu vaccines at no charge to employees (as they are available) through the City's Wellness Clinic. The City's health plan also covers these vaccines through individual medical offices. The Fire Department has implemented its own plan of action that mirrors the City's overall plan.

Baseball Stadium.

There is not much to report on this. Staff is waiting for annual operating expenditure data from Rowan County. Only after we have that information, can we truly understand what a lease structure should look like. It is my opinion that we should view the team as a major economic and quality of life asset and do all we can to keep them in place for many years. But we also have to be good stewards of the public's money. The stadium lease must, at a minimum, cover the costs of operations. There are also several other topics to be discussed: naming rights; structural improvements to the stadium (it is 15 years old and needs some increased attention); and remodeling enhancements to the stadium for economic reasons. These issues can only be discussed as part of the lease agreements (or after they are

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completed) – not before. **Once we have this operating data, we will reconvene the standing stadium committee** (Mayor, Councilman Anderson, Wally Safrit and me) to meet with Smith Family Baseball and Rowan County.

Christmas Parade.

The **Parade is set for December 5th at 4:00 pm.** We moved the time to help reduce the perceived impact on the downtown merchants. It will end about dusk at 5:30 pm. The route will begin on Main Street at D Street and travel north exclusively on Main Street, turn left on Laureate Way next to the parking deck and end just past the University buildings. This route was chosen for to appease the tenants by leaving the Village access open and to avoid having to remove vehicles from the alternative Parade route on West Avenue. The **Tree Lighting Ceremony will begin at 7:00 pm at Village Park**, with preliminary activities beginning at 6:00 pm to allow parade patrons to make their way to the Park. City staff is actively assisting the Intimidators to ensure for a smooth first (non-Cabarrus Events Assn) parade. The parade will include an effort to collect toys (even from the parade patrons) for the Toys for Tots program. We are contacting the US Marine Corps for their assistance in this effort (USMC is a sponsor of the Toys for Tots program). This suggestion came from Councilman Haas. We are still working on a Grand Marshal. For more on the parade, go to the Parade website: christmasparade.wordpress.com.

New Charlotte Observer Sections and Web sites.

Starting, Wednesday, October 7, the Observer launched new sections and web sites for your communities. One will focus on the Lake Norman/North Mecklenburg areas. The other will be focused on Cabarrus County. It appears that these new sections will be in addition to the Sunday Neighbors Section. The intent is for these sections to be oriented to the neighborhood/local community level. Features will include: *A Neighbor You Should Know*, *High School Game of the Week* and *Get Up and Go* (a special events showcase). Adam Bell will be the reporter assigned to this new publication for Cabarrus. Karen Whichard will begin working with Adam to assist in the generation of relevant Kannapolis stories. Please pass along any story ideas you may have to Karen or me.

General Assembly – 2009 Long Session Summary.

The following are pertinent bills that came up during the 2009 session. Some were passed. Some were not. There are still a number of bills which would be bad for municipalities that might come up in the short session in January. Staff will continue to monitor these bills and will remain actively engaged with the NCLM and Metro Mayors Coalition staff as the next session begins in early 2010.

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Annexation: No bills enacted. Fortunately many problematic bills were held off. Unfortunately, the issue of annexation reform remains unresolved:

- [HB 727/SB 472](#) was promoted as a proposal for reasonable changes to address legitimate concerns. Those bills did not advance, although many of their provisions were incorporated into a compromise bill.
- Many bills were introduced to gut the existing annexation law and take it back to a pre-1959 approach.
- A compromise bill ([HB 524](#)) was proposed on the House side with strong changes to service requirements, density standards, and other provisions that would make annexation more difficult. The NCLM reluctantly supported it as the best chance for an agreement between opposing sides. But the addition of a referendum in the House killed the chances for NCLM support and for passage of the bill this session. Supportive House members (including Rep. Barnhart) worked to remove the provision but were unsuccessful. The bill was not taken up by the Senate.
- Next Steps: Build understanding and support of Senate and House members regarding appropriate reform without a referendum. Work with select legislators to address prospects for reasonable reform bill in short session.

Promote Water Efficiency ([HB 1236](#); [SL 2009-480](#)). **Enacted.** Requires local water systems to recognize certain car wash water conservation certification programs approved by DENR and credit certified facilities for use reductions during water shortages. Effective January 1, 2010.

No Taxes or Fees For Development ([SB 447](#)). **Not passed.** Would prohibit a city or county from imposing a tax or fee for development unless it is specifically authorized by law. While the primary target of this legislation is adequate public facilities ordinances, certain municipal regulatory fees are not statutory (relying instead on case law), and would be jeopardized if the legislation were to pass.

Make Overgrown Vegetation Law Statewide ([SB 452](#); [SL 2009-19](#)). **Enacted.** Allows cities to notify chronic violators of overgrown vegetation ordinances that during the current year the city will take action to cut the vegetation without further notice. Expenses of the action become a lien on the property.

Statewide Nuisance Notice Authority ([SB 564](#); [SL 2009-287](#)). **Enacted.** Allows similar notification of chronic violators of nuisance ordinances.

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City/County/Sanitary District Fees/Internet (SB 698; SL 2009-436): Enacted. Requires supplemental public notice of proposed new or increased development fees on the city-maintained website, if any. The League worked to narrow the legislation, and it now applies to increases in fees applicable solely to the construction of development. Effective September 1, 2009.

Electronic Notices (HB 193/HB 710): Not passed. HB 193 would allow cities to publish notice of public hearings by electronic means in lieu of newspaper notice. It was met with significant opposition from the North Carolina Press Association and was withdrawn in committee. An attempt to add some towns to a local bill (HB 710) also failed. HB 710 passed the House with one town included and could possibly be expanded in the short session.

Local Government Code of Ethics (HB 1452; SL 2009-403): Enacted. Requires local governments to adopt a code of ethics by January 1, 2011. Also requires two hours of ethics training within 12 months of election/appointment for elected officials, starting January 1, 2010. The NCLM is partnering with the School of Government to develop training and resources.

Prohibit Smoking in Certain Public Places (HB 2; SL 2009-27): Enacted. Prohibits smoking in restaurants and bars, with certain exceptions. Authorizes local governments to adopt smoking rules more restrictive than the state's for public places and for local government buildings, grounds, and vehicles. Local ordinances may not restrict smoking in private residences, private vehicles, tobacco shops, facilities owned by tobacco manufacturers and growers, cigar bars, private clubs, movie or theater sets, and designated smoking rooms in hotels.

Condemnation/Conservation Easements (SB 600; SL 2009-439): Enacted. In response to complaints that properties encumbered by conservation easements were being targeted for condemnation, the legislation restricts the ability of cities to condemn such lands. Cities will be required to prove that no "prudent and feasible" alternative exists before condemning property encumbered by a conservation easement. The new legal standard applies in condemnations related to roads and other infrastructure, but the League was successful in improving the bill to exclude condemnations for utilities (electric, gas, water, wastewater, etc). Applies to condemnation proceedings initiated on or after October 1, 2009.

Community Development Target Areas (HB 866; SL 2009-263): Enacted. Authorizes cities to adopt ordinances empowering the city to declare residential structures in community

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development target areas unsafe and to demolish the structures if necessary. Ordinances may not become effective until October 1, 2009. Ordinances previously adopted under local act authority are no longer effective as of October 1, 2009.

Junked and Abandoned Vehicles (HB 867; SL 2009-97): Enacted. Amends the statutory definition of “junked motor vehicle” to increase the value threshold to \$500. Repeals previous local act changes to the value as of October 1, 2009. New ordinances may not become effective until October 1, 2009.

Urban Area Revitalization Made Uniform (SB 618; SL 2009-385): Enacted. Removes the population threshold so that all cities are authorized to establish municipal service districts in order to finance, provide, or maintain urban area revitalization projects.

Eminent Domain (HB 1268): Not Passed; still eligible. Would call for a constitutional amendment to prohibit the use of eminent domain for economic development purposes, subject to a referendum in the May 2010 statewide election. State law already prevents the use of eminent domain for general economic development purposes. The bill did not pass the House or Senate but may remain eligible because it would amend the state constitution.

Prevent Theft of Scrap Metals (HB 323; SL 2009-200): Enacted. Strengthens requirements regarding metal marked with the identification of a public utility or government entity, utility access covers, street light poles or fixtures, road or bridge guard rails, street signs, water meter covers, and traffic signals. Prohibits metal recyclers from purchasing such items without sufficient documentation and prohibits payment in cash. The seller must sign a receipt and leave an index fingerprint. Effective October 1, 2009.

Extend Certain Development Approvals (SB 831; SL 2009-406) and (HB 1490; SL 2009-572) and (SB 838; SL 2009-484): Enacted. Extends the life of certain types of development permits. For development approvals that were current and valid at any point from January 1, 2008 to December 31, 2010, the “clock” time on the permit and its vested rights is stopped until December 31, 2010. (Some permits may have additional time left to run after December 31, 2010 and some permits that local governments may have assumed to be expired may be revived.)

Use of Cisterns in Construction/Renovation (HB 749; SL 2009-243): Enacted. Authorizes the state building code to allow the use of cisterns for toilet flushing and outdoor irrigation, and prevents local governments from prohibiting their use for these purposes.

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Affordable Housing/No Discrimination (SB 810; SL 2009-533): Enacted. As an extension to existing anti-discrimination housing laws under the State Fair Housing Act that are primarily targeted at the private sector, makes it unlawful for a local government to discriminate against affordable housing developments in making land use or permitting decisions. A decision of a local government is not discriminatory if the action or inaction of the local government was made to limit high concentrations of affordable housing projects, or if the action or inaction of the local government was “motivated and justified by a legitimate, bona fide governmental interest.”

Solar Collectors on Residential Properties (HB 1387; SL 2009-553): Enacted. Amends existing statutes to preempt local governments from banning solar collectors on all residential properties, including in historic districts, with some exceptions. Effective December 1, 2008.

Prohibit Development Moratoria (SB 117): Passed Senate; still eligible. In response to homebuilder complaints of local governments abusing the use of planning moratoria as a means to stop development altogether, the bill would prohibit a city from adopting a temporary moratorium on development in order to develop and adopt new or amended ordinances.

Collective Bargaining/Card Check: Not passed; still an issue. The NCLM and the Metro Mayors Coalition remain active at the state and federal levels. Bills ([SB 178](#), [SB 427](#), [HB 750](#)) to repeal the prohibition on contracts between government entities and labor organizations were introduced but did not see action this session.

Pyrotechnics Permitting Safety Act (SB 563; SL 2009-507): Enacted. Prohibits cities or counties from authorizing fireworks at a concert or public exhibition unless the display operator provides proof of insurance of at least \$500,000 or the minimum required by the state building code, whichever is greater. The display operator must obtain a permit from the state fire marshal, and personally direct all aspects of the use and discharge of the fireworks. Effective February 1, 2010.

Clarify Local Special Separation Allowance (HB 816; SL 2009-396): Enacted. Clarifies the application of the special separation allowance for retiring/reemployed law enforcement officers. The bill provides that a law enforcement officer’s special separation allowance ceases on the first day of re-employment by a local government employer in any capacity and that the act applies prospectively only, with no retroactive payments required. Also allows local governments to employ retired officers in a capacity not requiring participation in the local retirement system without causing payments for those officers to cease.

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Transferring Road Maintenance Costs to Municipalities: Not passed; future issue. The NCLM and the Metro Mayors Coalition were successful in halting legislation to transfer road maintenance to municipalities (***Edition 1 of HB 881/SB 1001***). Note that HB 881 was enacted in a different form, without the road transfer provisions. The issue has not gone away, as DOT searches for solutions to its road funding shortfall.

Equity Formula Study Commission (SB 635): Not passed. A study of the distribution of NCDOT dollars by the Joint Legislative Transportation Oversight Committee was authorized in the final studies bill.

Street Construction/Developer Responsibility (SB 761): Passed Senate; still eligible. Would restrict authority of cities to require developers to build transportation infrastructure improvements to offset the traffic impact of new developments. Bill sponsor agreed to work with the NCLM to develop a bill that is sensitive to the needs of cities to prevent traffic system backlogs.

Utilities/Collectors/Debt Collection (HB 1330; SL 2009-302): Enacted. Codifies common law limitations imposed on utility debt collection for public utilities, electric co-ops, telephone companies, counties, and cities.

Parking Lots (HB 1099): In conference; still eligible. Would allow local building inspectors to rely on third-party certification that a parking lot and bioretention area are properly designed and constructed for compliance with limits on impervious parking.

Railroad Corridor Management (HB 116): Passed House; still eligible. Designed to prevent future encroachments into the railroad corridor, the bill would prohibit local governments from issuing certain development approvals, such as building permits, in the corridor without the railroad's consent. The NCLM worked to ensure that local officials would be authorized to rely on documentation of agreement provided by the applicant rather than serving in the role of obtaining railroad consent.