

KANNAPOLIS



City of Kannapolis
2011 State Legislative Priorities

Adopted by the Kannapolis City Council

February 28, 2011

KANNAPOLIS



To the Cabarrus County and Rowan County Legislative Delegation to the North Carolina General Assembly:

The City of Kannapolis is very appreciative of the hard work that each of you have put forth in the last General Assembly session and so far in the current session. Your commitment to serving the citizens of the City of Kannapolis, Cabarrus and/or Rowan counties and the State of North Carolina has been exemplary. Certainly the challenges in Raleigh over the next few years will be complex and daunting. The City understands the position you find yourselves in and we respect the job you have to do. Even so, as you are well aware, the City of Kannapolis continues to emerge from equally challenging times over the past decade and we have a number of requests of the General Assembly that will help support our ongoing transformation.

To that end, the Kannapolis City Council is pleased to submit to you Kannapolis' 2011 State Legislative Priorities. This document is divided into three sections: 1) Local Legislative Requests (of which there are three), 2) Funding Requests (which we realize is particularly challenging this year), and 3) Advocacy Positions.

We appreciate your thoughtful consideration of these various requests and positions statements. Please do not hesitate to contact us should you have any questions or concerns about anything contained in this document.

Again, thank you for all of your efforts.

Robert S. Misenheimer, Mayor
Kannapolis City Council
Mike Legg, City Manager

Local Legislation Requests

1. **The City of Kannapolis requests an amendment to S.L. 2009-113 (H.422) to postpone the legislative annexation of the Southlands Development tracts in southern Rowan County for two years until September 30, 2013.**
2. **The City of Kannapolis requests an amendment to S.L. 2010-86 (S.1444 and H.2061) to authorize the City to annex parcels of land that are completely landlocked by the City limits of the City of Kannapolis and adjacent municipalities - provided that an annexation agreement between the two municipalities is adopted.** SL 2010-86 permitted the City of Kannapolis (and the City of Concord) to annex parcels of property that are landlocked in their entirety by the City of Kannapolis (or entirely by the City of Concord). However this local bill was not written to permit the resolution of those parcels completely landlocked by the City and an adjacent municipality (in Kannapolis' case, the City of Concord or the Town Landis). It would be of great assistance and would eliminate confusion to our Police and Fire departments if these parcels were part of the City. Ultimately, the vacant properties will need City services to develop, even for a single-family residence. This issue is also a matter of fairness. All the properties surrounding these tracts are in the municipal limits of Kannapolis (or Landis or Concord) and are contributing financially to the well being of the City. These unincorporated tracts are reaping certain benefits simply by their location but they are not contributing to the maintenance of a variety of City services like their neighbors are doing.
3. **The City of Kannapolis requests the revival of Bill Draft 2009-LB-363 (v.3) which would permit the City to charge a fee-in-lieu of requiring sidewalks to be constructed on a particular development site.** This legislation would prevent the "sidewalk to nowhere" that land developers often lament. Instead, it would establish a way to collect additional revenues for more regional sidewalk investments that may or may not result in a direct investment on a given developer's property. In such a scenario, the developer receives benefits through a more connected, regional pedestrian system and, in turn, pays a fair share of achieving this goal.

Specific Funding Requests

1. **The City of Kannapolis requests that the General Assembly continue to support university and community college funding for the North Carolina Research Campus.** Even with the daunting State budget constraints, it is vitally important that the original funding plan for the North Carolina Research Campus not be altered or impaired in any way. While expanded funding may be difficult to achieve, continued growth on the Campus is very important. Any loss in State funding would have a negative impact on the long term success of the project. This is, and will remain, an ongoing priority for the City.
2. **The City of Kannapolis supports funding for Interstate-85 Widening and construction of new Old Beatty's Ford Road interchange.** This project is the \$170,300,000, 13.6 mile, I-85 widening project to multiple lanes from NC Highway 73 in Cabarrus County to the US 29-601 Connector in Rowan County (NCDOT TIP Project I-3802). The construction of a new interchange (exit 65) near Old Beatty's Ford road is also a critical transportation and economic development consideration for the City of Kannapolis and southern Rowan County. After the I-3803 widening project is completed from Charlotte to NC Highway 73, and after the Yadkin River Bridge is replaced to the north, this section will be the only 4-lane section of I-85 in North Carolina. In its current state, this segment of interstate will soon create a state-wide economic development and quality of life issue due to the significant bottleneck that will be created after the north and south sections are widened to multiple lanes. It has huge implications to the City of Kannapolis in that three of the City's five interchanges are located within this 13.6 mile corridor. This is the number one unfunded project in all of Cabarrus and Rowan counties. This project has significant regional, statewide and national impacts.
3. **The City of Kannapolis requests that funding be secured for the construction of a railroad crossing grade separation at Rogers Lake Road.** The City's has maintained for a number of years that a grade separation at the Rogers Lake Road railroad crossing is the most important bridge project in Kannapolis. Rogers Lake Road is a major east-west corridor connecting Dale Earnhardt Boulevard (NC 3) and Cannon Blvd (US 29) in the east to Kannapolis Parkway to the west via a new Rogers Lake Road extension constructed in 2008 by the City. NCDOT's Average Annual Daily Traffic (AADT) records show between 5,200 and 6,700 AADT on Rogers Lake Road. Peak hour traffic has become very congested.

The Rogers Lake Road project was included as a priority for NCDOT as part of a 1998 agreement with the City of Kannapolis that resulted in a number of closed railroad crossings as part of NCDOT Rail Division's Sealed Corridor program. It has been a priority for both City and State but there has not been funding available to move the project forward. The recent ARRA funding of \$525 million for rail improvements in North Carolina (part of a \$3 billion plan) *did not* include this project. Even so, it is still a critical project to improve rail safety and facilitate more rapid passenger rail and rail freight transportation. The project is on the NCDOT Transportation Improvement Program (project U-4702) but is listed as unfunded. Furthermore, our Congressional

delegation was successful in securing approximately \$1 million from the 2008 Federal Omnibus Bill to help advance the construction of a grade separation at Rogers Lake Road. The Kannapolis City Council recently adopted an NCDOT municipal agreement for project Y4810K which will move this project forward. This initial funding will be used by NCDOT to prepare design documents on the project so as to develop a “shovel ready project” that can be constructed immediately upon construction funding availability.

4. **The City of Kannapolis requests financial assistance that may become available for the construction of the Albemarle Water Transmission Line.** This is a joint effort by the City of Kannapolis, City of Albemarle and the City of Concord within portions of Stanly County and Cabarrus County. The Albemarle Water Transmission Line is a project proposed to address the short-term and long-term projected water use demands for Concord and Kannapolis. The project also provides much needed revenues to the City of Albemarle. The project cost is estimated at \$21 million. Design is currently underway. Inter-local agreements among the three entities have been adopted.
5. **The City of Kannapolis requests general support and any funding that may come available for the conversion of current regional (emergency services) radio system with a P25 compliant system.** In 1997, Concord and Kannapolis partnered with Cabarrus County to establish an interoperable county-wide public safety radio system. That radio system expanded the original system that was installed in 1994. The current technology is becoming obsolete and there are plans to replace the system with an APCO Project 25 (P25) compliant system to further interoperability capabilities. The P25 system meets federal requirements and is compatible with the State of North Carolina’s interoperability plan (VIPER). Such compatibility will meet the growing population and visitor needs for safety and protection, and the demand for communicating with each other as well as other state and federal law enforcement agencies. The total project cost is \$17 million over the next 5 years. The City of Kannapolis will contribute an estimated \$2.25 million to \$3.0 million (depending on if Kannapolis must fund a new tower in western part of the City to provide adequate coverage.).

Advocacy

1. **The City of Kannapolis supports the North Carolina League of Municipalities Advocacy Agenda in its entirety (see attached).** More specifically, the City of Kannapolis believes these are the most important components of this statewide agenda:
 - a. Seek legislation **reforming annexation** laws that ensures the ability of a city to grow in a reasonable manner, while providing quality municipal services on a timely basis. *Note: The City of Kannapolis does not support SB 27 or HB 9, both of which would impose a moratorium on City-initiated annexations. A long term solution should be addressed in the 2011 Session.*
 - b. Seek legislation to allow municipal creation or extensions of **extra-territorial jurisdictions (ETJ) without county approval.**
 - c. Seek legislation to allow municipalities to establish **vacant housing receivership** programs for the purpose of rehabilitating structures not meeting minimum housing standards and transferring them to responsible ownership.
 - d. Support a system of **liquor sales** that maintains a local referendum about the decision to sell liquor, preserves **local control** over the location and density of liquor outlets, preserves the **local revenue** stream from liquor sales, and increases the authorized local permit fees statewide. *Note: The City of Kannapolis specifically opposes any legislation related to the Rowan-Kannapolis ABC System that would alter the current organization where each of the three major members of the Rowan-Kannapolis ABC System (Rowan County, Kannapolis and Salisbury) maintain one independent vote for board appointments. The City also opposes any legislation that would allow for only one ABC system per county. Kannapolis, being in both Cabarrus and Rowan counties, is in a rather unique position as it relates to this issue.*
 - e. Support legislation permitting a governmental entity to seek an order of abatement where a property may have some legitimate use, but is also the source of regular **criminal nuisance activity.**
 - f. Support legislation to **expand the sales tax base** to include services.
 - g. Seek legislation to allow all municipalities to adopt **impact fees** to pay for growth-related infrastructure and services.
 - h. Support legislation to **reform the municipal business privilege license tax** by: 1) eliminating exemptions and caps for specific categories of businesses; 2) specifying the appropriate bases for the tax; 3) requiring municipalities to adopt a rate schedule that applies to all types of businesses within a municipality; 4) limiting the amount of taxes paid by businesses that have business activity within a municipality but no business location within it; and 5) capping the amount of tax that can be imposed on any single business location.
 - i. Support the **equal application of water quality management rules** that impact cities to N.C. municipalities, counties, state agencies and private operations, require payment of city stormwater fees by all state agencies, and require maintenance of all stormwater structures by permitted entities.
 - j. Seek legislation ensuring significant municipal decision-making authority and respect for local ordinances in the **design of transportation projects** across all NCDOT Divisions, to lower congestion, enhance quality of life, improve aesthetics, improve

- public safety and bolster public health for city residents, regardless of the city's financial participation in a project.
- k. Seek legislation to increase the existing municipal **vehicle fee for public transportation** from \$5 to a maximum of \$20, and allow it to also be used for pedestrian and bicycle projects.
 - l. Support legislation to increase funding for the **State Mobility Fund** in order to support regional congestion mitigation projects, interstate maintenance and a Powell Bill supplement; and to provide additional funding sources for State transportation projects.
2. **The City of Kannapolis supports legislation to mandate that counties share State collected E911 revenue with municipalities providing existing E911 dispatch centers functioning as Primary or Secondary Public Safety Answering Point (PSAP) contingent upon all jurisdictions (county or municipal) receiving funding meet levels of service requirements and use highly trained personnel and modern technology.** Several municipalities in North Carolina are providing essential public safety services by supporting E911 dispatch centers. Many of these are not eligible to receive direct funding from E911 revenues collected from their citizens that benefit from these services by living in these jurisdictions. A few jurisdictions receive these calls directly and are actually serving as a Primary PSAP, while others are dispatching after calls are immediately forwarded to them. Recent changes in the General Statutes have caused some counties to either stop sharing these revenues or threaten to stop sharing the revenues. This creates an inequitable funding situation to those municipalities that have continued to provide a higher level of service.
3. **The City of Kannapolis supports the Federal Broadband Technologies Opportunity Program (BTOP) grants administered locally by MCNC.** The US Department of Commerce's National Telecommunications and Information Administration's (NTIA) has provided MCNC with two Broadband Technologies Opportunities Program (BTOP) grants as part of the American Recovery and Reinvestment Act of 2009 (ARRA). The City supports the plans by MCNC to extend fiber telecommunications infrastructure to downtown Kannapolis and the NCRC as part of the second round of grants (BTOP2). These grants include a State match from the Golden Leaf Foundation. More specifically, the City takes the following positions related to the foundational components of BTOP2 as it impacts Kannapolis and the NCRC:
- a. The City opposes State budget cuts that will unreasonably impact BTOP administrator MCNC through a reduction of operating fees paid by, most importantly, the State university system. Such cuts might impact the viability of completely constructing and maintaining the planned fiber telecommunications infrastructure to the NCRC.
 - b. The City opposes any effort by the General Assembly to suspend the charter or otherwise compromise the Golden LEAF Foundation. This would have an extremely negative impact on BTOP2 if it were allowed to happen. If the Golden LEAF's

charter were to be suspended, then even obligated funds (like those funding part of BTOP2) would be at risk because there would be no foundation to administrate them.

4. **The City of Kannapolis opposes any legislation that would restrict the authority of cities to require developer funded improvements.** An example of this legislation is SB 761 (*Street Construction/Developer Responsibility*) which passed the Senate in the last session and may still be an eligible bill for consideration. This bill would restrict authority of cities to require developers to build transportation infrastructure improvements to offset the traffic impact of new developments. The bill sponsor agreed to work with the NC League of Municipalities to develop a bill that is sensitive to the needs of cities to prevent traffic system backlogs. The City of Kannapolis supports this approach.
5. **The City of Kannapolis supports the N.C. General Assembly's 21st Century Transportation Committee recommendations regarding alternative funding solutions for transportation improvements statewide as well as efforts to reform NCDOT's decision making processes.**
6. **The City of Kannapolis supports all efforts to reevaluate, revise and modify the NC Department of Transportation Equity Formula to better meet the needs of North Carolina citizens, businesses and travelers.** The NC Legislature implemented the Equity Formula as a result of the 1989 Highway Trust Fund law. NCDOT anticipates \$65 billion in unmet state-wide transportation needs through 2030. The Equity Formula makes it difficult to fund significant projects. The NCDOT is developing a new, objective, data driven, multi-modal approach to projects prioritization. The new focus for NCDOT will be on mobility, safety and infrastructure health. The Equity Formula does not consider any of these factors in distributing transportation funds. It is the opinion of the City of Kannapolis that the Equity Formula that would result in increased emphasis on distributing transportation funding to locations with the greatest population concentrations and traffic volumes and less emphasis on arbitrary geographic distribution equity.
7. **The City of Kannapolis opposes any effort to transfer road construction and maintenance responsibilities to the City, absent adequate funding provisions.**
8. **The City of Kannapolis supports efforts by the NC General Assembly to continue to find a reasonable balance between property owner rights and the rights of the North Carolina Railroad Company in regards to railroad expansion and protection of the railroad corridor.**
9. **The City of Kannapolis supports the position of the NC League of Municipalities that the federal government or state government should not undermine municipal autonomy with respect to making fundamental employment decisions by mandating specific working conditions, including collective bargaining, which Federal S. 3194, S. 3991 and H.R. 413 will provide.** While this is currently more of a federal issue than a state issue, it does have obvious state implications. Current North Carolina law prohibits

local governments from entering into collective bargaining agreements with public employee labor unions. A mandate like the one prescribed in these bills would interfere with existing state law and usurp fundamental municipal decision-making authority over the employment relationship.

10. **The City of Kannapolis opposes any bill that would weaken the City's ability to manage its water, sewer and stormwater system in the manner that the locally elected body deems appropriate.** This opposition includes any efforts to in any way restrict the expansion of municipal utilities, to remove or weaken current decision making authority or to transfer this authority to another government agency.
11. **The City of Kannapolis opposes any changes to the Inter-basin Transfer laws that would, in any way, retroactively threaten the approved Environmental Management Commission's Concord-Kannapolis IBT approval or the settlement agreement with the Catawba Riverkeeper Foundation and the Protect the Catawba Coalition.** However, the City does not oppose reasonable dialogue and ultimate changes to the current law going forward.
12. **The City of Kannapolis opposes any action by the Governor and/or the General Assembly that would remove, temporarily or permanently, any existing municipal revenue source unless adequate alternative revenue generating options are authorized.**
13. **The City of Kannapolis supports continued state funding for the N.C. Arts Council to enrich the lives our children and citizens, and to provide economic benefits to our community.** The N.C. Arts Council is within the Department of Cultural Resources and provides grants to local organizations such as the Cabarrus Arts Council.
14. **The City of Kannapolis supports continued funding for the N.C. Main Street Program and grants to help small to mid-size communities revive their downtowns and support small business growth.** The program is within the Department of Commerce and a key part of economic development.
15. **The City of Kannapolis supports continued funding for economic development in North Carolina, through the Golden Leaf Foundation, North Carolina Biotechnology Center, One North Carolina Fund, and Job Development Investment Grant.** These tools help to keep our state competitive and our economy strong.
16. **The City of Kannapolis supports continued funding for the Parks and Recreation Trust Fund (PARTF) and the Clean Water Management Trust Fund (CWMTF).** These funding sources help communities, including the City of Kannapolis, implement projects that improve our environment while at the same time providing tourism opportunities, recreation, and improved quality of life to our citizens.