



**KANNAPOLIS CITY COUNCIL  
BUSINESS MEETING AGENDA  
Kannapolis City Hall  
401 Laureate Way, Kannapolis NC  
April 24, 2017  
6:00 PM**

**Please turn off cell phones or place on silent mode.**

**CALL TO ORDER AND WELCOME**

**MOMENT OF SILENT PRAYER AND PLEDGE OF ALLEGIANCE**

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

**PROCLAMATIONS**

1. International Fire Fighter Appreciation Day
2. National Police Week and Peace Officers Memorial Day
3. National Telecommunicator Week

**RECOGNITIONS**

1. **Certificate of Achievement for Excellence in Financial Reporting** (Mike Legg, City Manager)
2. **Excellence in Communication Award** (Mike Legg, City Manager)

**APPROVAL/CORRECTION OF MINUTES**

1. March 13, 2017 Workshop Meeting
2. Closed Session March 13, 2017 minutes

**CONSENT AGENDA - Motion to Adopt Consent Agenda or make revisions**

1. **Budget Amendment for Purchase of Fire Station Land** (Eric Davis, Finance Director)

## **BUSINESS AGENDA**

- A. **Public Hearing - CDBG Program Funds FY 2017-18 (July 1, 2017 - June 30, 2018)**  
(Sherry Gordon, Community Development Program Administrator)
- B. **Public Hearing - Text Amendment to Article 4 Zoning Districts and Dimensional Regulations, Section 4.7.5 Dimensional Standards for Structures of the Unified Development Ordinance (UDO), regarding setbacks for preliminary plats approved prior to a change in dimensional standards** (Zachary D. Gordon, AICP, Planning Director)
- C. **Public Hearing - Text Amendment to Article 11 Site Design Standards, Section 11.6 Supplemental Design Standards for Campus Development (CD) District, Section 11.6.3 Design Standards, of the Unified Development Ordinance, concerning access to Campus Development projects** (Zachary D. Gordon, AICP, Planning Director)
- D. **Public Hearing - Text Amendment to Appendix C Design Standards for Streets and Utilities, Section C.7 Standard Details and Cross-Section Drawings, of the Unified Development Ordinance, removing the standard details and cross-sections drawings and locating them in the Office of the Zoning Administrator and the Office of the Director of Public Works** (Zachary D. Gordon, AICP, Planning Director)
- E. **Resolution approving Construction Manager at Risk Contract (CMAR) for Fire Station #2 and Fire Station #3** (Ernie Hiers, Fire Chief)
- F. **Amendment to the Waste Management Contract Returning Yard Waste Collection Services to the City** (Mike Legg, City Manager)
- G. **Public Hearing - Minimum Housing Code Violation - 512 Murphy Street Extension** (Zachary D. Gordon, AICP, Planning Director)
- H. **Public Hearing - Minimum Housing Code Violation 1519 Lydia Street (continued from January 23, 2017 City Council meeting)** (Zachary D. Gordon, AICP, Planning Director)
- I. **Public Hearing - Non-residential Building Code Violation - 1520 Lydia Street (continued from January 23, 2017)** (Zachary D. Gordon, AICP, Planning Director)

## **CITY MANAGER REPORT**

## **CITY COUNCIL COMMENTS**

## **SPEAKERS FROM THE FLOOR**

In order to speak to Council, please fill out a white card and return to the City Clerk. Cards may be found on the table at the back of the room. Please limit comments to 3 minutes.

## **CLOSED SESSION**

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

## **ADJOURN MEETING**

## **UPCOMING SCHEDULE**

May 08, 2017

May 22, 2017

In accordance with ADA regulations, anyone in need of an accommodation to participate in the meeting should notify the ADA coordinator at [tcline@kannapolisnc.gov](mailto:tcline@kannapolisnc.gov) or 704-920-4302 at least forty-eight (48) hours prior to the meeting.



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

***INTERNATIONAL FIREFIGHTER APPRECIATION DAY***  
***May 4, 2017***

**WHEREAS**, Firefighters dedicate their lives to protecting life and property, and the City of Kannapolis is proud to recognize these noble men and women for their courage and commitment; and

**WHEREAS**, Firefighters provide community support and information to promote safety, act as first responders, extinguish and control wildfires, and help dispose of hazardous waste; and

**WHEREAS**, each year in the United States, approximately one hundred Firefighters die in the line of duty and over eighty thousand injuries are reported; and

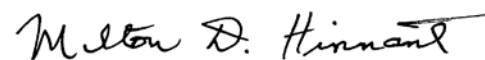
**WHEREAS**, these public servants respond to emergencies 24 hours a day, 365 days a year without hesitation and are involved in many community programs when not responding to emergencies, and

**WHEREAS**, today and throughout the year, the City honors the dedicated members of the Kannapolis Fire Department, who often risk their own lives to assist others during their time of need.

**WHEREAS**, May 4, 2017 is being recognized across the globe as ***International Firefighter Day*** and the City of Kannapolis joins in this worldwide celebration.

**NOW, THEREFORE, BE IT RESOLVED** that the Kannapolis City Council declare Thursday, ***May 4, 2017*** as ***FIREFIGHTER APPRECIATION DAY*** in the City of Kannapolis and publicly salute the service of our dedicated Firefighters in our community and in communities across the nation.

**IN WITNESS THEREFORE**, I have set my hand and caused the Great Seal of the City of Kannapolis to be affixed this 24<sup>th</sup> day of April 2017.

  
\_\_\_\_\_





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

***NATIONAL POLICE WEEK AND PEACE OFFICERS MEMORIAL DAY***

**WHEREAS**, in 1962, President John F. Kennedy signed a proclamation which designated May 15 as Peace Officers Memorial Day and the week in which that date falls as Police Week. Currently, tens of thousands of law enforcement officers from around the world converge on Washington, DC to participate in a number of planned events which honor those that have paid the ultimate sacrifice; and

**WHEREAS**, communities across the United States will come together to mark the week of May 11 through May 17, 2017 as the Annual Police Week Memorial Observance to honor and remember those law enforcement officers who made the ultimate sacrifice, as well as the family members, friends and fellow officers they left behind; and

**WHEREAS**, each year a group of Kannapolis Police officers join other officers from across North Carolina participating in the Bike2DC ride. Last year, the Kannapolis Police Department had nine representatives among over 80 riders who biked 500 miles from Charlotte to the National Law Enforcement Officers Memorial in Washington, DC in four days. The Kannapolis officers will ride in honor of our own Officer Roger Dale Carter who was killed in the line of duty on December 31, 1993; and

**WHEREAS**, Law Enforcement fatalities nationwide rose to their highest level in five years. Currently, there are **21,183** names engraved on the walls of the National Law Enforcement Officers Memorial dating back to the first known death in 1791. The service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund 29<sup>th</sup> Annual Candlelight Vigil, on the evening of May 13, 2017; and

**WHEREAS**, in tribute to American Law Enforcement Officers and at the request of the National Law Enforcement Officers Memorial Fund, Public Law 103-322 designates May 15, 2017 as ***National Peace Officers Memorial Day*** in honor of all fallen officers and their families and United States flags should be flown at half-staff.

**NOW, THEREFORE, BE IT RESOLVED** that the Kannapolis City Council formally designates ***May 11-17, 2017, as Police Week in the City of Kannapolis*** in honor of officers who have fallen in the line of duty, and recognize the sacrifices made by the families of those officers and the families of those who continue to protect and serve our communities.

**IN WITNESS THEREFORE**, I have  
set my hand and caused the Great Seal  
of the City of Kannapolis to be affixed  
this 24th day of April, 2017.

Milton D. Hinnant



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

***NATIONAL PUBLIC SAFETY TELECOMMUNICATOR WEEK***  
***April 9 – 15, 2017***

**WHEREAS**, the men and women serving as Public Safety Telecommunicators, 911 operators, dispatchers, and other communications specialists are dedicated to saving lives. These professionals are the “unseen first responders”, and provide a vital link for our police officers, firefighters and EMS personnel by monitoring their activities by radio and other means of telecommunication equipment, providing them information and insuring their safety; and

**WHEREAS**, professional Public Safety Telecommunicators are more than a calm and reassuring voice at the other end of the phone, they are highly trained individuals, prepared and ready to ensure the safety of our police officers, firefighters and EMS personnel who dependent upon the quality and accuracy of information obtained from citizens that call the Kannapolis E-911 Communications Center; and

**WHEREAS**, each Public Safety Telecommunicator exhibits compassion, understanding and professionalism during the performance of their job. We owe a great debt to the men and women for the exceptional job they do each day in the field of emergency communications; where most dispatchers receive no public acclaim for their efforts; they ask little except only the public’s support for the work they do; and

**WHEREAS**, the citizens of the City of Kannapolis benefit greatly from the knowledge, skills and dedication of these Public Safety communication specialists, as they work together to ensure prompt and appropriate response to the scene of any emergency situation that may occur in our City.

**NOW, THEREFORE, BE IT RESOLVED** that the Kannapolis City Council declare the week of April 9-15, 2017 to be National Public Safety Telecommunicators Week in the City of Kannapolis and honor the men and women who provide a vital public safety service, where their diligence and professionalism keep our City and citizens safe.

**BE IT FURTHER RESOLVED** that the citizens of Kannapolis take time to acknowledge their dedication and the great work that these men and women do every day. Between the thin blue line and the thin red line, lies the thinnest gold line. This gold line represents those who rarely are seen, but mostly heard. Dispatchers are the golden glue that holds it all together.

**IN WITNESS THEREFORE**, I have set my hand and caused the Great Seal of the City of Kannapolis be affixed this 24th day of April 2017.

  
\_\_\_\_\_  
*Milton D. Hinnant*

**CITY OF KANNAPOLIS  
COUNCIL MEETING MINUTES  
March 13, 2017**

A regular meeting of the City Council of the City of Kannapolis, North Carolina was held on Monday, March 13, 2017 at 6:00 p.m., at the Kannapolis City Hall located at 401 Laureate Way, Kannapolis, NC.

**CITY COUNCIL MEMBERS PRESENT:**

Mayor: Milton D. Hinnant

Council Members: Ryan Dayvault  
Dianne Berry  
Darrell Jackson  
Roger Haas  
Tom Kincaid  
Doug Wilson

Council Members Absent: None

City Manager: Mike Legg

Deputy City Manager: Eddie Smith

City Clerk: Bridgette Bell, MMC

City Attorney: Walter M. Safrit, II

Staff Present:	Wilmer Melton	Annette Privette-Keller
	Terry Clanton	Ernie Hiers
Trent Marlow	Tony Eury	David Jordan
	Zac Gordon	Irene Sacks

Visitors:	Richard Chaney	Richard Petersheim
	Robin Pope	Lester Sisk
	Harley Hassler	Dean Slate
	Jo Stephens	Shedrick Hall
	Mark Spitz	

**CALL TO ORDER AND WELCOME:**

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

**ADOPTION OF AGENDA:**

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

**CONSENT AGENDA:**

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

1 Audit Contract for Fiscal Year beginning July 1, 2016 through June 2017 (**Eric Davis, Finance**  
2 **Director**) (**Copy include as Exhibit A**)

3  
4 **BUSINESS AGENDA:**

5 **Presentation of the Downtown Kannapolis Public Realm Vision Book (Wilmer Melton, III,**  
6 **Director of Public Works) (Copy included as Exhibit B)**

7 Mr. Melton and Richard Petersheim with LandDesign provided a power point presentation on  
8 what the street scape will look like. The demonstration project is designed to help bring foot  
9 traffic to Kannapolis and the streetscape that is planned lends itself to that pedestrian traffic.  
10 Some of the highlights of what the streetscape project will include a Performing Arts Center,  
11 outdoor performance events, sports and entertainment venues, a water feature with fountains that  
12 would shoot water into an archway that people could walk under. Casual and fine dining as well  
13 as a hotel. West Avenue would have different rooms along the street and in its park areas. Each  
14 area would have a different atmosphere. For example one room could feature an area to play  
15 chess and read, with another area for a small band to perform. Downtown Kannapolis would  
16 essentially feature a long, linear park experience. Places for outdoor cafes and vendor kiosks.

17  
18 LandDesign launched a 360° virtual tour of downtown as a means to help people better  
19 familiarize themselves with business and attractions located downtown. The tour includes aerial,  
20 business and street level views and puts restaurants, retail and attractions front and center for  
21 easy accessibility from anywhere, which is critical to increasing engagement for the benefit of  
22 our shared community.

23  
24 The construction timeline for the project:

- 25  
26 • Streetscape/infrastructure to start by late September and could potentially be completed  
27 by April 2019.  
28 • Construction for the Sports and Entertainment Venue would begin by January/February  
29 2018 and completed by January 2020.  
30 • The Demonstration project construction would begin between November and February  
31 and completed between May and August 2019.

32  
33 Several Council Members commented their excitement and enthusiasm with the presentation of  
34 the downtown streetscape.

35  
36 Council Member Dayvault made a motion to adopt a Resolution of support endorsing the  
37 Downtown Kannapolis Public Realm Vision Book. Motion was seconded by Mayor Pro tem  
38 Wilson and approved by unanimous vote.

39  
40 **Construction Manager at Risk Contract for Sports and Entertainment Venue and**  
41 **Downtown Infrastructure Project (Mike Legg, City Manager, Eddie Smith, Deputy City**  
42 **Manager, Walter M. Safrit, II, City Attorney) (Copy included as Exhibit C)**

43 City Manager Legg and Deputy City Manager Smith walked Council through the Construction  
44 Manager at Risk process and timeline.

45  
46 Request for Qualifications for Architect and Construction Manager at Risk was advertised on  
47 December 15, 2016; pre-proposal conferences were conducted on January 4, 2017; and written  
48 submittals were received on January 13, 2017. Four submittals were received from CMAR  
49 teams. Interviews were conducted on January 25, 2017. Barton Malow was determined to be the

1 top ranked CMAR firm. Contract and fee negotiations have been ongoing with both firms, as  
2 well as pre-contract team meetings. Barton Malow is a Corporation headquartered in Southfield,  
3 Michigan with twelve (12) offices nationwide, one of which is in Charlotte, North Carolina that  
4 will be coordinating the construction of the Kannapolis ballpark.  
5

6 City Staff and Barton Malow have negotiated an agreement presented to Council. Approval will  
7 allow pre-construction cost estimating, analysis of constructability, schedule preparation  
8 prequalification of subcontractors and preparation of a Guaranteed Maximum Price. Project  
9 Construction will commence as provided in the Agreement.  
10

11 Council Member Dayvault made a motion to approving the Resolution finding that the use of  
12 construction manager at risk services is in the best interest of the Sports and Entertainment  
13 Facility and Downtown Infrastructure; and authorize the City Manager to execute the CMAR  
14 contract with Barton Malow for preconstruction and construction services for the Sports and  
15 Entertainment Facility and Downtown Infrastructure Project. Motion was seconded by Mayor  
16 Pro tem Wilson and approved by unanimous vote.  
17

18 **Brailsford and Dunlavey Professional Services Agreement (Mike Legg, City Manager)**  
19 **(Copy included as Exhibit D)**

20 The City has engaged national program management consulting firm Brailsford & Dunlavey for  
21 the past two years to perform a number of services for the City. The firm prepared the initial  
22 market analysis and financial feasibility study for the Sports and Entertainment Venue (SEV).  
23 Since that time the firm has assisted the City with defining the initial ballpark program elements  
24 and a draft budget, selection of the project architect and construction manager and advice and  
25 guidance on the team's relocation approvals through Minor League Baseball. They have proved  
26 invaluable to staff on a number of areas to date.  
27

28 Going forward the proposed agreement provides for the following key services, many related to  
29 the construction and operation of the new SEV:  
30

31 Project Administration: As needed, attend Owner Progress Meetings.

32 Project Agreements and Funding Proposals: Provide Negotiation Support, Due Diligence  
33 Assistance, Advise on Governing Board Approvals, Provide Annual project reports. This  
34 would include lease negotiations with the team and continued assistance on the relocation  
35 approvals.

36 Design/Pre-construction Phase: Periodically participate in design meetings, provide  
37 program and design reviews, provide cost reviews/value engineering, review construction  
38 phase scheduling.

39 Construction Phase: Participate in Owner/Architect/Contractor Progress meetings.

40 Post-Construction Phase: Coordinate start-up activities  
41

42 This contract is designed to be used on an as needed basis (not a lump sum) with a total not-to  
43 exceed amount of \$395,000. Accordingly, staff will only use the firm for those services that are  
44 most critical and provide short- and long-term value to the project. Should the SEV get delayed  
45 or stopped for any reason, the City would only be obligated for services actually rendered. It is  
46 not anticipated that the full allocation of funding for this contract will be used.  
47

1 Council Member Kincaid made a motion to authorize the City Manager to execute the  
2 professional services agreement with Brailsford & Dunleavy. Motion was seconded by Council  
3 Member Berry and approved by unanimous vote.

4  
5 **Resolution supporting the new transportation projects for the Cabarrus-Rowan**  
6 **Metropolitan Planning Organization Regional Priority Highway List for P4.0 STIP**  
7 **scoring and funding (Wilmer Melton, III, Director of Public Works) (Copy included as**  
8 **Exhibit E)**

9 The City of Kannapolis previously submitted the following Projects as a part of the Statewide  
10 Transportation Improvement Program (STIP) for potential funding. As a part of the updated P4.0  
11 STIP scoring and funding, we are required to update our Projects list and affirm our continued  
12 support of the listed Projects. The Projects that we are requesting to remain for potential scoring  
13 are:

- 14 1. Ebenezer Road: Design and construct multimodal facilities along Ebenezer Road from  
15 Ridge Avenue to Old Beatty Ford Road and an extension of Ebenezer Road northward on  
16 new location for a distance of approximately 2,000 LF from its current terminus at Old  
17 Beatty Ford Road to the Relocated Old Beatty Ford Road.

18  
19 Council Member Jackson made a motion to approve the Resolution supporting this new  
20 transportation project for the Cabarrus-Rowan Metropolitan Planning Organization Regional  
21 Priority Highway List for P4.0 STIP scoring and funding. Motion was seconded by Council  
22 Member Kincaid and approved by unanimous vote.

23  
24 **STAFF UPDATES:** None.

25  
26 **CITY COUNCIL COMMENTS:**

27 Council Member Haas commented on the old train depot station and asked if there was anything  
28 the City could do to get it cleaned up. Mr. Melton responded they have been working with the  
29 NC Railroad division with regards of removing the metal that has been stored on the property.

30  
31 Mayor Pro tem Wilson commented that several months ago, he had brought up the subject of an  
32 ordinance prohibiting the tethering of dogs. Council did pass an Ordinance, but he feels it needs  
33 to be tweaked to include the prohibition of tethering dogs to houses and porches. He thought that  
34 was the intention of adopting the Ordinance, but sees it is not included with the current  
35 Ordinance. He asked that Staff add this language to the current Ordinance and bring back to  
36 Council for approval.

37  
38 Council Member Dayvault noted he was the one who asked the City Attorney to look into a Golf  
39 Cart Ordinance. The Ordinance was presented to Council and deferred to May. In light of all of  
40 the downtown construction that will be forthcoming this fall, feels that the Ordinance should be  
41 put on hold until at least midpoint of the project or closer to when the stadium is completed.

42  
43 **CLOSED SESSION:**

44 Mayor Pro tem Wilson made a motion to close the session G.S. 143-318.11 (a) (3) to consult  
45 with an attorney in order to preserve the attorney-client privilege and G.S. 143.318.11 (a) (4) for  
46 discussing matters relating to the location or expansion of industries or businesses in the area.  
47 Council Member Kincaid seconded the motion and it was approved by unanimous vote.

48  
49 City Council went into closed session at 7:40 PM on Monday, March 13, 2017.

1 Council Member Dayvault made a motion to come out of closed session. Motion was seconded  
2 by Council Member Kincaid and approved by unanimous vote.

3  
4 Council resumed regular session at 8:45 PM on Monday, March 13, 2017.

5  
6 There being no further business, Council Member Berry made a motion to adjourn. Motion was  
7 seconded by Council Member Haas and approved by unanimous vote.

8  
9 The meeting adjourned at 8:45 PM on Monday, March 13 2017.

10  
11  
12  
13  
14  
15  
16 \_\_\_\_\_  
17 Bridgette Bell, MMC, NCCMC  
City Clerk

\_\_\_\_\_  
Milton D. Hinnant  
Mayor



**City of Kannapolis  
City Council Meeting  
April 24, 2017  
Staff Report**

**TO:** Mayor and City Council  
**FROM:** Eric Davis, Finance Director  
**TITLE:** Budget Amendment for Fire Station Land

**A. Action Requested by City Council**

**Motion to adopt an Ordinance amending the budget for FY17-18 for purchase of land for the fire station.**

**B. Required Votes to Pass Required Action**

Majority present at meeting

**C. Background**

The budget amendment will appropriate funds for purchase of additional land for Fire Station 2. This land will provide for more effective site design and improved access to the existing site. The original rendering with no new property is attached (option1). Two alternative renderings include the land purchase. At this time no decision is necessary regarding the preferred alternative 2 or 3.

**D. Fiscal Considerations**

Additional funds will need to be borrowed to finance the land purchase.

**E. Policy Issues**

None

**F. Legal Issues**

None

**G. Alternative Courses of Action and Recommendation**

- 1. Adopt the budget amendment for the land purchase (Recommended)**
2. Do not adopt the budget amendment.



<b>H. Issue Reviewed By</b>
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Mike Legg

ATTACHMENTS:

File Name

- ▣ Budget\_amendment\_for\_propety\_for\_fire\_station\_#17-13.pdf
- ▣ KFD\_\_2\_-\_1st\_\_Rendering\_without\_additional\_property.pdf
- ▣ KFD\_\_2\_-\_2nd\_Rendering\_with\_additional\_property-B.pdf
- ▣ KFD\_\_2\_-\_3rd\_Rendering\_with\_additional\_property.pdf

**ORDINANCE AMENDING BUDGET FOR THE  
CITY OF KANNAPOLIS, NORTH CAROLINA  
FIRE STATION IMPROVEMENTS  
CAPITAL PROJECT FUND  
Amendment # 17-13**

**BE IT ORDAINED** by the City Council of the City of Kannapolis, North Carolina meeting in open session this 24<sup>th</sup> day of April 2017, that the following amendment to the Project Ordinance for the City of Kannapolis, North Carolina is hereby adopted:

**SECTION I - REVENUES**

**FIRE STATION IMPROVEMENTS**

Increase Proceeds from Debt Financing	
25595-39000	\$100,000

**SECTION II - EXPENDITURES**

**FIRE STATION IMPROVEMENTS**

Increase Capital - Land	
25500-59100 FS3	\$100,000

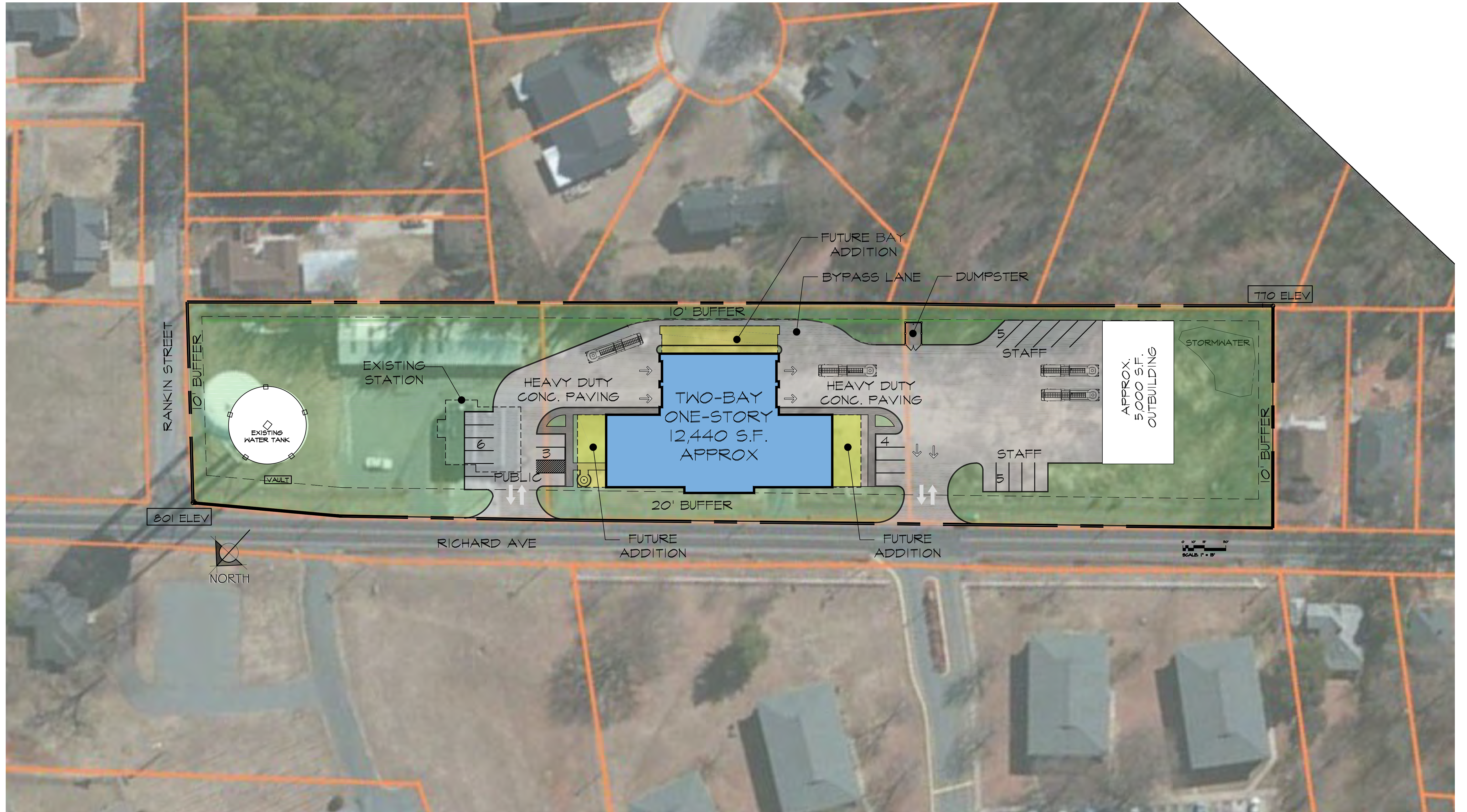
This Ordinance is approved and adopted this 24th day of April 2017.

\_\_\_\_\_  
Milton D. Hinnant, Mayor

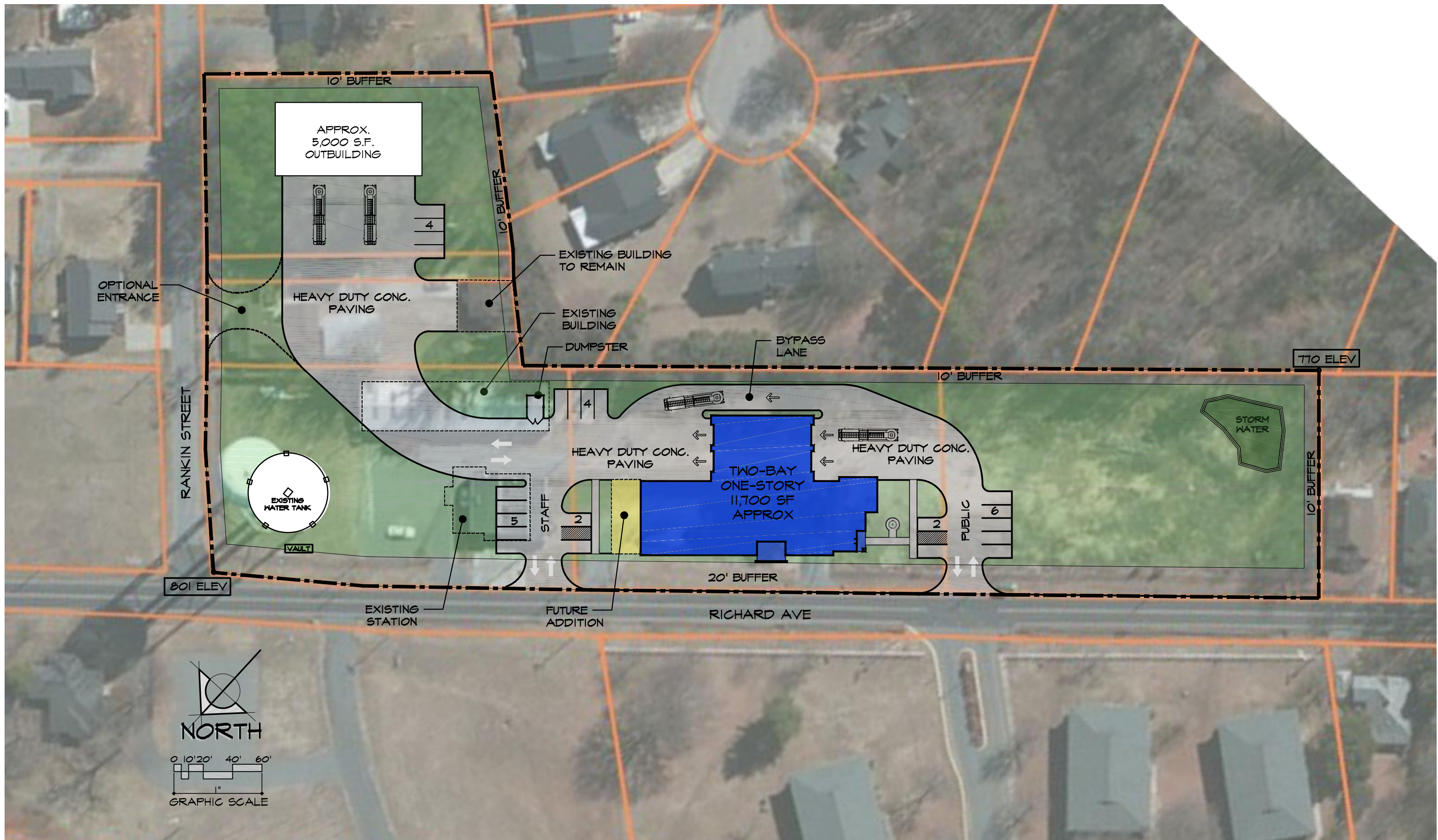
**ATTEST:**

\_\_\_\_\_  
Bridgette Bell, MMC, NCCMC  
City Clerk







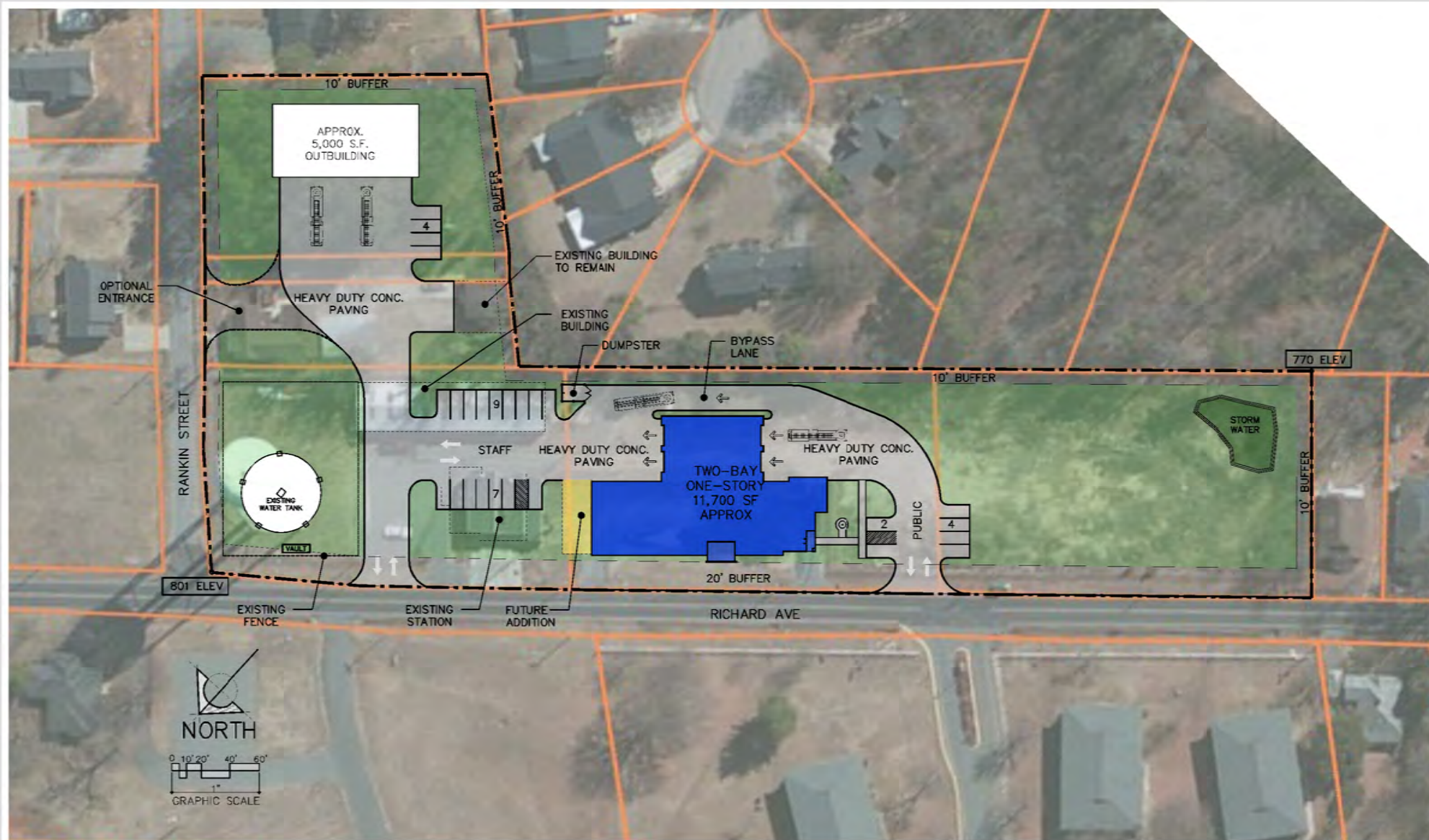


**KANNAPOLIS FIRE STATION No. 2**  
KANNAPOLIS, NC

**SITE PLAN LAYOUT-4**  
SCALE: 1" = 60'-0"

02.17.2017





KANNAPOLIS FIRE STATION No. 2

○ SITE PLAN LAYOUT-4  
SCALE: 1" = 50'-0"



**City of Kannapolis  
City Council Meeting  
April 24, 2017  
Staff Report**

**TO:** Mayor and City Council  
**FROM:** Sherry Gordon, Community Development Program Administrator  
**TITLE:** Public Hearing for Use of CDBG Program Funds FY 2017-18

**A. Action Requested by City Council**

- 1) Conduct a public hearing to receive comments for the FY 2017-2018 annual Action Plan
- 2) Motion to approve the FY 2017-18 Annual Action Plan

**B. Required Votes to Pass Required Action**

Majority present at meeting

**C. Background**

Each year the City must present within its Annual Action Plan submittal to HUD a defined work program for the funding level being sought. The City will submit its action plan to HUD by May 15. The plan is being made available to the public for a 30-day period which will end on May 12, 2017.

The public hearing allows the City to receive citizens' comments or questions on the use of the FY 2017-18 Community Development Block Grant (CDBG) funds.

**D. Fiscal Considerations**

The City expects to receive \$341,246 in CDBG funds in FY 2017-18 (July 1, 2017 - June 30, 2018)

It is recommended that the following activities be undertaken with the FY 2017-18 funds:

I. FY 2017-18 Proposed CDBG Budget

A. Anticipated Revenues

CDBG Entitlement	\$341, 246
Estimated Program Income	-0-
TOTAL	\$341,246

B. Proposed Expenditures

Infrastructure Improvements	\$100,000
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Demolition	20,000
Urgent Repair	43,436
Section 108	59,610
Public Service	50,000
General Admin/Fair Housing	68,200
<b>TOTAL</b>	<b>\$341,246</b>

#### **E. Policy Issues**

None

#### **F. Legal Issues**

None

#### **G. Alternative Courses of Action and Recommendation**

- 1) Approve the FY 2017-18 Annual Action Plan (Recommended)**
- 2) Use the funds for alternative activities as directed by Council.

#### **H. Issue Reviewed By**

Bridgette Bell, Irene Sacks, Mike Legg

#### **ATTACHMENTS:**

File Name

📎 Notice\_of\_Public\_Hearing.doc



## NOTICE OF PUBLIC HEARING

The Kannapolis City Council will hold a public hearing on Monday, April 24, 2017 at 6:00 p.m. in the Kannapolis City Hall/Police Headquarters, 401 Laureate Way, Kannapolis, NC. The purpose of this hearing is to receive citizens comments and questions on the use of Fiscal Year 2017-2018 Community Development Block Grant (CDBG) funds from the U.S. Department of Housing and Urban Development (HUD).

Each year the City must develop an Annual Action Plan and budget for submission to HUD for CDBG funds. The City expects to receive \$341,246 in CDBG funds. All HUD funds must benefit low and moderate income persons, households or neighborhoods. All specific expenditures are detailed in the FY 2017-2018 Annual Action Plan, available for public inspection at the following locations: City of Kannapolis Administrative Offices, 401 Laureate Way, Kannapolis, NC and from the City's website: [www.kannapolisnc.gov](http://www.kannapolisnc.gov)

### I. 2017-2018 Proposed CDBG Budget

#### A. Anticipated Revenues

CDBG Entitlement	\$341,246
Estimated Program Income	-0-

#### B. Proposed Expenditures

Infrastructure Improvements	\$ 100,000.00
Demolition	20,000.00
Urgent Repair	43,436.00
Section 108 Loan Repayment	59,610.00
Non-profit Partnerships	50,000.00
General Administration/Fair Housing	<u>68,200.00</u>
	\$ 341,246.00

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of **the City of Kannapolis**, should contact the office of **Tina H. Cline, Human Resource Director**, by phone at 704-920-4302 or by email at [tccline@fkannapolisnc.gov](mailto:tccline@fkannapolisnc.gov) as soon as possible but no later than 48 hours before the scheduled event.

Questions can be directed to Kannapolis Community Development at 704-920-4332



## PUBLICATION DIRECTIONS

Publish in Non-Legal section only with black border.

**Please use all logos!**

Please publish on or before April 12, 2016.

**Mail affidavit of publication to the following address:**

City of Kannapolis  
CDBG Program  
401 Laureate Way  
Kannapolis, NC 28081  
Attn: Sherry Gordon  
(704) 920-4332





**City of Kannapolis  
City Council Meeting  
April 24, 2017  
Staff Report**

**TO:** Mayor and City Council  
**FROM:** Zachary D. Gordon, AICP, Planning Director  
**TITLE:** Public Hearing for Text Amendment to Article 4 Zoning Districts and Dimensional Regulations - TA-2017-01

**A. Action Requested by City Council**

- 1. Hold Public Hearing for TA-2017-01;**
- 2. Motion to Adopt Statement of Consistency for TA-2017-01;**
- 3. Adopt Ordinance to Amend Text of UDO for TA-2017-01, as recommended by Planning and Zoning Commission**

**B. Required Votes to Pass Required Action**

Majority present at meeting

**C. Background**

Currently the UDO requires all parcels of land to adhere to the setback requirements for the associated zoning district in which the land is located; even parcels which were subdivided under different setback requirements. This requirement affects both developed and undeveloped lots. For developed lots, when a property owner wishes to construct an addition that complies with the setbacks under which the plat was approved, they would have to request relief in the form of a Certificate of Nonconformity Adjustment from the BOA. For undeveloped lots, the requirement to adhere to setback standards that have changed since a development was approved, would result in hardship for the property owner, as they would be held to a "higher standard" than other lots in the same development. that were laid out in conformance with an approved Preliminary Plat.

Setbacks are set during the preliminary plat phase (the first step in the subdivision process). Once a preliminary plat is approved, it can be difficult to change the lot layout, especially if infrastructure such as roads and utilities have already been constructed. Requiring a developer to change setbacks on a final plat when setbacks have been changed in the UDO places undue difficulty and hardship on the developer.

The proposed text amendment would permit a parcel to be developed in compliance with setbacks that were shown on a preliminary plat approved prior to a change in dimensional

standards for subsequent final plats. Staff believes this amendment will add certainty to the development process as the City looks at revising the UDO over the next few years. This amendment will also allow property owners to use their property as approved by the City, even if setback standards have changed.

#### **D. Fiscal Considerations**

None

#### **E. Policy Issues**

The proposed text amendments to the UDO for Article 4 are shown as underline additions below:

### **4.7. DIMENSIONAL AND DENSITY REGULATIONS**

#### **4.7.5. DIMENSIONAL STANDARDS FOR STRUCTURES.**

##### **4.7.5.1. Setbacks.**

**4.7.5.1.1** Setbacks for buildings or structures are measured as the area between the furthestmost projection of a principal structure and the property line of the lot on which the structure is located, except as modified by the standards of this Section. Setbacks shall be unobstructed from the ground to the sky except as specified in this Section. Building setbacks for each zoning district are set forth in Table 4.7-1.

Setbacks shown on a preliminary plat approved prior to a change in dimensional standards, shall be permitted for subsequent final plats, as long as the initial preliminary plat is valid (according to Table 13.3-2 of this Ordinance) at the time of filing the first final plat.

#### **F. Legal Issues**

None

#### **G. Alternative Courses of Action and Recommendation**

The City Council may choose to approve, approve with changes, or deny TA-2017-01 as presented.

Based on the foregoing analysis, staff recommends approval of the proposed text amendment to Article 4, Section 4.7.5.1.1 of the UDO as presented.

#### **The following actions are required for approval of TA 2017-01:**

1. Consider Resolution to Adopt a Statement of Consistency
2. Consider motion to Adopt an Ordinance to Amend Text of the UDO, Article 4, Section 4.7.5, Dimensional Standards for Structures.

#### **The following actions are required for denial of TA 2017-01:**

1. Consider Resolution to not Adopt a Statement of Consistency
2. Consider motion to deny proposed text amendment.

#### **H. Issue Reviewed By**

Bridgette Bell, Mike Legg, Wally Safrit, Zac Gordon

## ATTACHMENTS:

### File Name

- ▣ Application\_and\_text\_TA-2017-01.pdf
- ▣ CC\_Ad\_Confirm.pdf
- ▣ TA-2017-01\_CC\_Resolution\_for\_Statement\_of\_Consistency.pdf
- ▣ Ordinance\_to\_amend\_text\_of\_UDO\_-\_TA\_2017-01.pdf



**Planning and Zoning Commission and Board of Adjustment**  
**General Application Form**  
*(Not for Site Plan Review Submittals)*

Type of Action Requested (Check One):

Variance	_____	SIA Application	_____
Conditional Use Permit	_____	Nonconformity Adjustment	_____
Subdivision Exception	_____	Watershed Boundary Modification	_____
Zoning Text Amendment	<u>X</u>	Zoning Map Amendment	_____
Appeal	_____	Conditional Zoning Map Amendment	_____

Applicant: City of Kannapolis Planning Department Owner: \_\_\_\_\_

Address: 401 Laureate Way Address: \_\_\_\_\_  
Kannapolis, NC 28081

Telephone: 704-920-4350 Telephone: \_\_\_\_\_

Email: zgordon@kannapolisnc.gov Email: \_\_\_\_\_

Legal relationship of applicant to property owner: \_\_\_\_\_

Property Location/Address: \_\_\_\_\_

Tax Parcel Number: \_\_\_\_\_ Zoning District: \_\_\_\_\_ Acreage of Site: \_\_\_\_\_

Zachary D. Gordon  
Applicant Name (Print) \_\_\_\_\_ Property Owner Name (Print) \_\_\_\_\_

  
Applicant Signature & Date \_\_\_\_\_ Property Owner Signature & Date \_\_\_\_\_

***The agenda deadline is the first day of the month preceding the month of the meeting. To be considered for placement on the next meeting agenda, the signed application, application fee, and five (5) copies of any required site plans for staff review must be submitted by the deadline. However, to remain on the next meeting agenda, fifteen (15) copies of such plans, determined by staff to conform to all ordinance standards, must be submitted at least ten (10) days before the meeting date. All fees are nonrefundable and help to cover administrative and notification costs.***

For Staff Use Only:

Filing Fee: \_\_\_\_\_ Receipt # \_\_\_\_\_

Application No.: \_\_\_\_\_ Date Submitted (Complete): \_\_\_\_\_



## CITY OF KANNAPOLIS

### AN APPLICATION TO AMEND THE TEXT OF THE UNIFIED DEVELOPMENT ORDINANCE

I Zachary D. Gordon, hereby make application for an amendment to the following section(s) of the Unified Development Ordinance:

Section 4.7.5.1.1


In the space provided below, or on a separate sheet, present your requested text for the Ordinance provisions in question:

See Attached

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State your reasons for amending the text of the Ordinance:

See Attached Staff Report



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Signature of applicant

**Fee:** Please refer to fee schedule to determine applicable fees. All fees are nonrefundable and help to cover administrative and notification costs.

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**STAFF USE ONLY**

Scheduled Planning Commission meeting date: 3/1/2017  
Dates advertised in newspaper: 2/17/17 and 2/24/17

**Planning Commission recommendation:** \_\_\_\_\_  
**Recommended changes to proposed text:** \_\_\_\_\_

City Council Meeting Date: \_\_\_\_\_

Dates advertised in newspaper: \_\_\_\_\_ and \_\_\_\_\_

**City Council Decision:** \_\_\_\_\_  
**Changes to proposed text:** \_\_\_\_\_

Date written notice of final decision sent to applicant: \_\_\_\_\_

## **4.7. DIMENSIONAL AND DENSITY REGULATIONS**

### **4.7.5. DIMENSIONAL STANDARDS FOR STRUCTURES.**

#### **4.7.5.1. Setbacks.**

**4.7.5.1.1** Setbacks for buildings or structures are measured as the area between the furthestmost projection of a principal structure and the property line of the lot on which the structure is located, except as modified by the standards of this Section. Setbacks shall be unobstructed from the ground to the sky except as specified in this Section. Building setbacks for each zoning district are set forth in Table 4.7-1.

Setbacks shown on a preliminary plat approved prior to a change in dimensional standards, shall be permitted for subsequent final plats, as long as the initial preliminary plat is valid (according to Table 13.3-2 of this Ordinance) at the time of filing the first final plat.



**PO Box 968, Hickory, NC 28603 Order Confirmation for Ad #0000338564-01**

<b>Client</b>	KANNAPOLIS,CITY OF	<b>Payor Customer</b>	KANNAPOLIS,CITY OF	<b>Acct. Exec</b>	aboan
<b>Client Phone</b>	704-920-4300	<b>Payor Phone</b>	704-920-4300		
<b>Account#</b>	3143368	<b>Payor Account</b>	3143368		
<b>Address</b>	ACTS PAYABLE/WANDA/TEARSHEETS,4 KANNAPOLIS NC 28081 USA	<b>Payor Address</b>	ACTS PAYABLE/WANDA/TEARSHEET KANNAPOLIS NC 28081	<b>Ordered By</b>	Ryan
<b>Fax</b>	704-933-7463				
<b>EMail</b>	byow@kannapolisnc.gov				

<b>Total Amount</b>	<b>\$530.44</b>	<b>Status</b>		<b><u>Materials</u></b>	
<b>Payment Amt</b>	<b>\$530.44</b>				
<b>Amount Due</b>	<b>\$0.00</b>				
<b>Payment Method</b>	Credit - Debit Card - Visa:0775	<b><u>Tear Sheets</u></b>	<b><u>Proofs</u></b>	<b><u>Affidavits</u></b>	<b><u>PO Number</u></b>
		0	0	1	City Council Public No
					<b><u>Blind Box</u></b>

Text:

**Order Notes:**

<b>Ad Number</b>	<b>Ad Type</b>	<b>Color</b>	<b>Production Color</b>
0000338564-01	CLS Legal	<NONE>	

<b>Pick Up Number</b>	<b>Ad Size</b>	<b>Production Method</b>	<b>Production Notes</b>
	2.0 X 46 Li	AdBooker (liner)	

<b>Product</b>	<b>Placement/Class</b>	<b>Position</b>	<b># Inserts</b>	<b>Cost</b>
<b>Run Schedule Invoice Text</b>				
<b>Run Dates</b>				
<b>Tag Line</b>				

CON Independent Trib::	C-Legal Ads - Classified	Legal Notices-Legal-Class	2	\$510.44
NOTICE OF PUBLIC HEARING Kannapolis City Hall 401 Laureate Way, Kannapolis, NC City Council Meeting Monday, April 24, 2017 at 6:00 PM 4/14/2017, 4/21/2017 NOTICEOFPUBLICHEARINGKANNAPOLISCITYHALL401LAUREATEWAYKANNAPOLISNCCITYCOUNCILMEETINGMONDAYAPRIL242017				
NCC Online::	C-Legal Ads - Classified	Legal Notices-Legal-Class	7	\$15.00
NOTICE OF PUBLIC HEARING Kannapolis City Hall 401 Laureate Way, Kannapolis, NC City Council Meeting Monday, April 24, 2017 at 6:00 PM 4/14/2017, 4/15/2017, 4/16/2017, 4/17/2017, 4/18/2017, 4/19/2017, 4/20/2017 NOTICEOFPUBLICHEARINGKANNAPOLISCITYHALL401LAUREATEWAYKANNAPOLISNCCITYCOUNCILMEETINGMONDAYAPRIL242017				





**Ad Content Proof**



**NOTICE OF PUBLIC HEARING**  
**Kannapolis City Hall**  
**401 Laureate Way, Kannapolis, NC**

**City Council Meeting**  
**Monday, April 24, 2017 at 6:00 pm**

**Public Hearing Notice - Zoning Text Amendment - TA-2017-01 - Public Hearing to consider a text amendment to Article 4 Zoning Districts and Dimensional Regulations, Section 4.7.5 Dimensional Standards for Structures, of the Unified Development Ordinance concerning setbacks for preliminary plats approved prior to a change in dimensional standards.**

**Public Hearing Notice - Zoning Text Amendment - TA-2017-02 - Public Hearing to consider a text amendment to Article 11 Site Design Standards, Section 11.6 Supplemental Design Standards for Campus Development (CD) District, Section 11.6.3 Design Standards, of the Unified Development Ordinance, concerning access to Campus Development projects.**

**Public Hearing Notice - Zoning Text Amendment - TA-2017-03 - Public Hearing to consider a text amendment to Appendix C Design Standards for Streets and Utilities, Section C.7 Standard Details and Cross-Sections Drawings, of the Unified Development Ordinance, removing the standard details and cross-sections drawings and locating them in the Office of the Zoning Administrator and the Office of the Director of Public Works.**

If you have questions or concerns regarding this case, please contact the City of Kannapolis Planning Department at 704-920-4350.

Hearing impaired persons desiring additional information or having questions regarding this subject should call the North Carolina Relay Number for the Deaf (1-800-735-8262). The meeting facility is accessible to people with disabilities. To request special accommodations in advance, contact the City's ADA Coordinator at 704-920-4302 or email [tcline@kannapolisnc.gov](mailto:tcline@kannapolisnc.gov).

**Publish: April 14 and April 21, 2017.**



**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY  
WITH REGARD TO TEXT AMENDMENT CASE # TA-2017-01**

**WHEREAS**, Section 160A-383 (2013) of the North Carolina General Statutes specifies that the governing board shall also approve a statement describing whether its action is consistent with an adopted comprehensive and any other officially adopted plan that is applicable; and

**WHEREAS**, the Kannapolis City Council considers the text amendment to Article 4 Zoning Districts and Dimensional Regulations, Section 4.7.5 Dimensional Standards for Structures, of the Kannapolis Unified Development Ordinance (UDO), concerning setbacks for preliminary plats approved prior to a change in dimensional standards to be reasonable and in the public interest because it will allow parcels to be developed consistent with those dimensional regulations in effect at the time of their approval, rather than under more restrictive regulations, as a result of changes to the City's UDO, which may result in a hardship for property owners;

**WHEREAS**, the City Council conducted a Public Hearing on April 24, 2017 for consideration of text amendment Case TA-2017-01 as submitted by the Planning Department staff;

**NOW, THEREFORE BE IT RESOLVED** that the City Council finds the text amendment as represented in Case TA-2017-01 to be in the public interest, reasonable and consistent with the 2015 City of Kannapolis Land Use Plan adopted by the City Council, and is therefore recommended for approval by the City Council based on consideration of the application materials, information presented at the Public Hearing, and the recommendations provided by Staff.

Adopted this the 24th day of April, 2017;

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Milton D. Hinnant, Mayor

Attest:

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Bridgette Bell, MMC, NCCMC  
City Clerk



**AN ORDINANCE TO AMEND TEXT OF THE UNIFIED DEVELOPMENT  
ORDINANCE, ARTICLE 4, SECTION 4.7.5  
CASE #TA-2017-01**

**WHEREAS**, per Section 3.8 of the Kannapolis Unified Development Ordinance (“UDO”), the City Council has final authority on zoning text amendments; and

**WHEREAS**, per Section 3.8 of the UDO, the Planning and Zoning Commission, at its regular meeting on March 1, 2017, recommended approval of the text amendment by a majority vote; and

**WHEREAS**, City Council conducted public hearings to consider an amendment to Article 4, Zoning Districts and Dimensional Regulations, Section 4.7.5 Dimensional Standards for Structures of the UDO on April 24, 2017; and

**WHEREAS**, the proposed amendment is consistent with the goals and policies of the 2015 Land Use Plan and reasonable;

**NOW, THEREFORE, BE IT ORDAINED**, by the Kannapolis City Council that Article 4, Section 4.7.5 be amended as follows:

**The proposed text amendment to the UDO for Article 4 is shown as underline additions.**

**4.7 DIMENSIONAL AND DENSITY REGULATIONS**

**4.7.5 DIMENSIONAL STANDARDS FOR STRUCTURES**

**4.75.1 Setbacks.**

**4.7.5.1.1** Setbacks for buildings or structures are measured as the area between the furthestmost projection of a principal structure and the property line of the lot on which the structure is located, except as modified by the standards of this Section. Setbacks shall be unobstructed from the ground to the sky except as specified in this Section. Building setbacks for each zoning district are set forth in Table 4.7-1.

Setbacks shown on a preliminary plat approved prior to a change in dimensional standards, shall be permitted for subsequent final plats, as long as the initial preliminary plat is valid (according to Table 13.3-2 of this Ordinance) at the time of filing the first final plat.

ADOPTED this the 24<sup>th</sup> day of April, 2017.

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Milton D. Hinnant, Mayor

ATTEST:

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Bridgette Bell, MMC, NCCMC  
City Clerk



**City of Kannapolis  
City Council Meeting  
April 24, 2017  
Staff Report**

**TO:** Mayor and City Council  
**FROM:** Zachary D. Gordon, AICP, Planning Director  
**TITLE:** Public Hearing for Text Amendment to Article 11 - Site Design Standards  
for Campus Development (CD) District - TA-2017-02

**A. Action Requested by City Council**

- 1. Hold Public Hearing for TA-2017-02;**
- 2. Motion to Adopt Statement of Consistency for TA-2017-02;**
- 3. Adopt Ordinance to Amend Text of UDO for TA-2017-02, as recommended by Planning and Zoning Commission**

**B. Required Votes to Pass Required Action**

Majority present at meeting

**C. Background**

Currently the UDO requires all building sites and buildings located within a Campus Development (CD) project to be accessed from an interior street, not on thoroughfares or collectors, regardless of building size or use. The intent of this regulation is to better control traffic access with the mixture of uses and buildings that a Campus Development project typically includes. The current regulation applies to all buildings in a Campus Development project, ranging from a small drive-through restaurant to a multi-hundred thousand square foot warehouse building.

The proposed text amendment would permit any use in the CD zoning district which is not classified as a Professional Office/Business Services or Retail Trade use, to be permitted to have access on interior streets, thoroughfares, or collectors. The intent of this amendment is to separate retail traffic, which tends to have a higher amount of trip turnover throughout the day from more employment based uses, such as manufacturing and warehousing, which tend to have trips clustered at limited times throughout the day.

**D. Fiscal Considerations**

None

## **E. Policy Issues**

The proposed text amendments to the UDO for Article 11, Section 11.6.3 are shown as underline additions below:

### **11.6. SUPPLEMENTAL DESIGN STANDARDS FOR CAMPUS DEVELOPMENT (CD) DISTRICT.**

#### **11.6.3. DESIGN STANDARDS**

**11.6.3.6.** All building sites and/or buildings within any Campus Development project classified as a Professional Office/Business Services or Retail Trade Use as shown in Table 4.6-1 of this Ordinance shall be accessed on interior streets, not on thoroughfares or collectors. Exception to this provision is offered where a lot of record exists at the time of this amendment. All other permitted uses within any Campus Development Project may have access on interior streets, thoroughfares or collectors.

## **F. Legal Issues**

None

## **G. Alternative Courses of Action and Recommendation**

The City Council may choose to approve, approve with changes, or deny TA-2017-02 as presented.

Based on the foregoing analysis, staff recommends approval of the proposed text amendment to Article 11, Section 11.6.3.6 of the UDO as presented.

### **The following actions are required for approval of TA 2017-02:**

1. Consider Resolution to Adopt a Statement of Consistency;
2. Consider adopting an Ordinance to Amend text of UDO, Article 11, Section 11.6.3.

### **The following actions are required for denial of TA 2017-02:**

1. Consider Resolution to not Adopt a Statement of Consistency for;
2. Consider motion for denial of proposed text amendment.

## **H. Issue Reviewed By**

Annette Privette Keller, Bridgette Bell, Mike Legg, Wilmer Melton

### **ATTACHMENTS:**

#### **File Name**

- ❑ Application.pdf
- ❑ TA-2017-02\_Public\_Notice-03212017194947.pdf
- ❑ TA-2017-02\_CC\_Resolution\_for\_Statement\_of\_Consistency.pdf
- ❑ Ordinance\_to\_amend\_text\_of\_UDO\_-\_TA\_2017-02.pdf



**Planning and Zoning Commission and Board of Adjustment**  
**General Application Form**  
*(Not for Site Plan Review Submittals)*

Type of Action Requested (Check One):

Variance	_____	SIA Application	_____
Conditional Use Permit	_____	Nonconformity Adjustment	_____
Subdivision Exception	_____	Watershed Boundary Modification	_____
Zoning Text Amendment	<u>X</u>	Zoning Map Amendment	_____
Appeal	_____	Conditional Zoning Map Amendment	_____

Applicant: City of Kannapolis Planning Dept. Owner: \_\_\_\_\_

Address: 401 Laureate Way Address: \_\_\_\_\_

Kannapolis, NC 28081 \_\_\_\_\_

Telephone: 704-920-4350 Telephone: \_\_\_\_\_

Email: zgordon@kannapolisnc.gov Email: \_\_\_\_\_

Legal relationship of applicant to property owner: \_\_\_\_\_

Property Location/Address: \_\_\_\_\_

Tax Parcel Number: \_\_\_\_\_ Zoning District: \_\_\_\_\_ Acreage of Site: \_\_\_\_\_

Applicant Name (Print) \_\_\_\_\_ Property Owner Name (Print) \_\_\_\_\_

Applicant Signature & Date \_\_\_\_\_ Property Owner Signature & Date \_\_\_\_\_

*The agenda deadline is the first day of the month preceding the month of the meeting. To be considered for placement on the next meeting agenda, the signed application, application fee, and five (5) copies of any required site plans for staff review must be submitted by the deadline. However, to remain on the next meeting agenda, fifteen (15) copies of such plans, determined by staff to conform to all ordinance standards, must be submitted at least ten (10) days before the meeting date. All fees are nonrefundable and help to cover administrative and notification costs.*

For Staff Use Only:

Filing Fee: \_\_\_\_\_ Receipt # \_\_\_\_\_

Application No.: \_\_\_\_\_ Date Submitted (Complete): \_\_\_\_\_



## CITY OF KANNAPOLIS

### AN APPLICATION TO AMEND THE TEXT OF THE UNIFIED DEVELOPMENT ORDINANCE

I Zachary D. Gordon, hereby make application for an amendment to the following section(s) of the Unified Development Ordinance:

Section 11.6.3

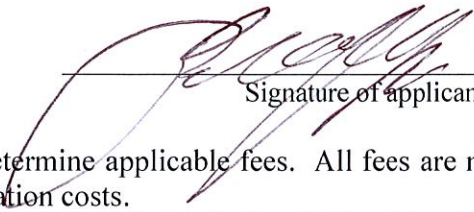
In the space provided below, or on a separate sheet, present your requested text for the Ordinance provisions in question:

See Attached

---

State your reasons for amending the text of the Ordinance:

See Attached Staff Report



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Signature of applicant

**Fee:** Please refer to fee schedule to determine applicable fees. All fees are nonrefundable and help to cover administrative and notification costs.

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**STAFF USE ONLY**

Scheduled Planning Commission meeting date: April 5, 2017  
Dates advertised in newspaper: 3/24/2017 and 3/31/2017

**Planning Commission recommendation:** \_\_\_\_\_  
**Recommended changes to proposed text:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

City Council Meeting Date: \_\_\_\_\_

Dates advertised in newspaper: \_\_\_\_\_ and \_\_\_\_\_

**City Council Decision:** \_\_\_\_\_  
**Changes to proposed text:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date written notice of final decision sent to applicant: \_\_\_\_\_





PO Box 968, Hickory, NC 28603 Order Confirmation for Ad #0000330691-01



**NOTICE OF PUBLIC HEARING**

Kannapolis City Hall  
Laureate Center  
401 Laureate Way, Kannapolis, NC 28081

Planning and Zoning Commission Meeting  
Wednesday, April 5, 2017 at 6:00 pm

**Public Hearing Notice**

**Public Hearing Notice - Revision of Preliminary Plat - S-2016-01** - Public Hearing to consider approval of a revised preliminary plat for The Village at Kellswater Bridge Phase 5, Planning and Zoning Commission is reviewing the revised plat, which was approved in December 2016, as required by a condition of the Kellswater Bridge Master Plan update, approved in 2013.

**Public Hearing Notice - Zoning Text Amendment - TA-2017-02** - Public Hearing to consider a text amendment to Article 11 Site Design Standards, Section 11.6 Supplemental Design Standards for Campus Development (CD) District, Section 11.6.3 Design Standards, of the Unified Development Ordinance, concerning access to Campus Development projects.

**Public Hearing Notice - Zoning Text Amendment - TA-2017-03** - Public Hearing to consider a text amendment to Appendix C Design Standards for Streets and Utilities, Section C.7 Standard Details and Cross-Sections Drawings, of the Unified Development Ordinance, removing the standard details and cross-sections drawings and locating them in the Department of Public Works Policy Manual.

If you have questions or concerns regarding this case, please contact the City of Kannapolis Planning Department at 704-920-4350.

Hearing impaired persons desiring additional information or having questions regarding this subject should call the North Carolina Relay Number for the Deaf (1-800-735-8262). The meeting facility is accessible to people with disabilities. To request special accommodations in advance, contact the City's ADA Coordinator at 704-920-4302 or email [tdcline@kannapolisnc.gov](mailto:tdcline@kannapolisnc.gov).

**Publish: March 24, 31, 2017.**

Client	KANNAPOLIS,CITY OF	Payor Customer	KANNAPOLIS,CITY OF
Client Phone	704-920-4300	Payor Phone	704-920-4300
Account#	3143368	Payor Account	3143368
Address	ACTS PAYABLEWANDA/TEARSHEETS,4 KANNAPOLIS NC 28081 USA	Payor Address	ACTS PAYABLEWANDA/TEARS KANNAPOLIS NC 28081
Fax	704-933-7463		
Email	byow@kannapolisnc.gov		
Total Amount	\$852.70	Status	
Payment Amt	\$852.70		
Amount Due	\$0.00	Tear Sheets	Proofs
Payment Method	Credit - Debit Card - Visa:0775	0	0
			1
Text:		Affidavits	
Order Notes:			
Ad Number	Ad Type	Color	Product
0000330691-01	CLS Liner	<NONE>	
Pick Up Number	Ad Size	Production Method	Product
	3.0 X 45 LI	AdBooker (liner)	
Product	Placement/Class	Position	# Inset
Run Schedule Invoice Text			
Run Dates			
Tag Line			
CON Independent Trib:	C-Announcements - Classified	General-Spec Notice-Ann-Clas	2
			\$837.70
NOTICE OF PUBLIC HEARING Kannapolis City Hall Laureate Center 401 Laureate Way, Kannapolis, NC 28081 Planning and Zoning Comr			
3/24/2017, 3/31/2017			
NOTICEOFPUBLICHEARINGKANNAPOLISCITYHALLLAUREATECENTER401LAUREATEWAYKANNAPOLISNC28081PLANNINGANDZON			
NCC Online:	C-Announcements - Classified	General-Spec Notice-Ann-Clas	2
			\$15.00
NOTICE OF PUBLIC HEARING Kannapolis City Hall Laureate Center 401 Laureate Way, Kannapolis, NC 28081 Planning and Zoning Comr			
3/24/2017, 3/31/2017			
NOTICEOFPUBLICHEARINGKANNAPOLISCITYHALLLAUREATECENTER401LAUREATEWAYKANNAPOLISNC28081PLANNINGANDZON			



**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY WITH REGARD TO  
TEXT AMENDMENT CASE TA-2017-02**

**WHEREAS**, Section 160A-383 (2013) of the North Carolina General Statutes specifies that the governing board shall also approve a statement describing whether its action is consistent with an adopted comprehensive and any other officially adopted plan that is applicable; and

**WHEREAS**, the Kannapolis City Council considers text amendment to Article 11 Site Design Standards, Section 11.6 Supplemental Design Standards for Campus Development (CD) District, Section 11.6.3 Design Standards, of the Unified Development Ordinance, concerning access to Campus Development projects to be reasonable and in the public interest because it allows for the flexible application of traffic access management design solutions appropriate for each type of land use allowed in the CD zoning district; and

**WHEREAS**, the City Council conducted a Public Hearing on April 24, 2017 for consideration of text amendment case TA-2017-02 as submitted by the Planning Department staff;

**NOW, THEREFORE BE IT RESOLVED** that the City Council finds the text amendment as represented in Case TA-2017-02 to be in the public interest, reasonable and consistent with the 2015 City of Kannapolis Land Use Plan adopted by the City Council, and is recommended for approval by the City Council based on consideration of the application materials, information presented at the Public Hearing, and the recommendation provided by Staff.

Adopted this the 24<sup>th</sup> day of April, 2017;

---

Milton D. Hinnant, Mayor

Attest:

---

Bridgette Bell, MMC, NCCMC  
City Clerk



**AN ORDINANCE TO AMEND TEXT OF THE UNIFIED DEVELOPMENT  
ORDINANCE, ARTICLE 11, SECTION 11.6.3.  
CASE #TA-2017-02**

**WHEREAS**, per Section 3.8 of the Kannapolis Unified Development Ordinance (“UDO”), the City Council has final authority on zoning text amendments; and

**WHEREAS**, per Section 3.8 of the UDO, the Planning and Zoning Commission, at its regular meeting on April 5, 2017, recommended approval of the text amendment by a majority vote; and

**WHEREAS**, City Council conducted a public hearing to consider an amendment to Article 11, Site Design Standards, Section 11.6 Supplemental Design Standards for Campus Development (CD) District of the UDO on April 24, 2017; and

**WHEREAS**, the proposed amendment is consistent with the goals and policies of the 2015 Land Use Plan and reasonable;

**NOW, THEREFORE, BE IT ORDAINED**, by the Kannapolis City Council that Article 11, Section 11.6 be amended as follows:

**The proposed text amendment to the UDO for Article 11 is shown as underline additions.**

**11.6. SUPPLEMENTAL DESIGN STANDARDS FOR CAMPUS  
DEVELOPMENT (CD) DISTRICT.**

**11.6.3. DESIGN STANDARDS.**

**11.6.3.6** All building sites and/or buildings within any Campus Development project classified as a Professional Office/Business Services or Retail Trade Use as shown in Table 4.6-1 of this Ordinance shall be accessed on interior streets, not on thoroughfares or collectors. Exception to this provision is offered where a lot of record exists at the time of this amendment. All other permitted uses within any Campus Development Project may have access on interior streets, thoroughfares or collectors.

ADOPTED this the 24<sup>th</sup> day of April, 2017.

\_\_\_\_\_  
Milton D. Hinnant, Mayor

ATTEST:

\_\_\_\_\_  
Bridgette Bell, MMC, NCCMC  
City Clerk



**City of Kannapolis  
City Council Meeting  
April 24, 2017  
Staff Report**

**TO:** Mayor and City Council  
**FROM:** Zachary D. Gordon, AICP, Planning Director  
**TITLE:** Public Hearing for Text Amendment to Appendix C - Design Standards  
for Streets and Utilities - TA-2017-03

**A. Action Requested by City Council**

- 1. Hold Public Hearing for TA-2017-03;**
- 2. Motion to Adopt Statement of Consistency for TA-2017-03;**
- 3. Adopt Ordinance to Amend Text of UDO for TA-2017-03, as recommended by Planning and Zoning Commission**

**B. Required Votes to Pass Required Action**

Majority present at meeting

**C. Background**

Currently the UDO includes drawings of typical cross-sections for City streets ranging from alley-width to a parkway section. These cross sections include specifications such as right-of-way width, pavement width, and pavement depth. Other details included in Appendix C are details for curbing, catch basins, and erosion control. The cross-sections for streets, attached for reference, were adopted for use by the Public Works Department in November 2014. Other details such as valley curb are no longer used by the City, while standard details for catch basins and erosion control are now specified by the State.

The proposed text amendment would remove the standard details and cross-section drawings and place them under the jurisdiction of the Department of Public Works. By removing these drawings from the UDO, the revision process of new drawings and cross-sections would be streamlined by not requiring an amendment to the UDO.

**D. Fiscal Considerations**

None

## **E. Policy Issues**

The proposed text amendments to the UDO for Appendix C are shown as underline additions below and red **X's** as deletions:

### **C.7. STANDARD DETAILS AND CROSS-SECTION DRAWINGS.**

**C.7.1. General Standards.** Standard details and cross-section drawings for streets shall conform to the most current adopted version of standard details and cross-section drawings. A copy of these details and drawings is available at the office of the Administrator or the office of the Public Works Director.

## **F. Legal Issues**

None

## **G. Alternative Courses of Action and Recommendation**

The City Council may choose to approve, approve with changes, or deny TA-2017-03 as presented.

Based on the foregoing analysis, staff recommends approval of the proposed text amendment to Appendix C, Section C.7.1 of the UDO, as presented.

### **The following actions are required for approval of TA 2017-03:**

1. Consider Resolution to Adopt a Statement of Consistency;
2. Consider motion to Adopt an Ordinance to Amend Text of the UDO, Appendix C, Section C.7.

### **The following actions are required to recommend denial of TA 2017-03:**

1. Consider Resolution to not Adopt a Statement of Consistency;
2. Consider motion to recommend denial of proposed text amendment by City Council.

## **H. Issue Reviewed By**

Annette Privette Keller, Bridgette Bell, Ernie Hiers, Mike Legg, Wally Safrit, Wilmer Melton

### **ATTACHMENTS:**

#### **File Name**

- ❑ Application.pdf
- ❑ City\_Council\_Public\_Notice\_for\_April\_24.pdf
- ❑ TA-2017-03\_CC\_Resolution\_for\_Statement\_of\_Consistency.pdf
- ❑ Ordinance\_to\_amend\_text\_of\_UDO\_-\_TA\_2017-03.pdf





**Planning and Zoning Commission and Board of Adjustment**  
**General Application Form**  
(Not for Site Plan Review Submittals)

Type of Action Requested (Check One):

Variance _____	SIA Application _____
Conditional Use Permit _____	Nonconformity Adjustment _____
Subdivision Exception _____	Watershed Boundary Modification _____
Zoning Text Amendment <u>X</u>	Zoning Map Amendment _____
Appeal _____	Conditional Zoning Map Amendment _____

Applicant: City of Kannapolis Planning Dept. Owner: \_\_\_\_\_

Address: 401 Laureate Way Address: \_\_\_\_\_  
Kannapolis, NC 28081

Telephone: 704-920-4350 Telephone: \_\_\_\_\_

Email: zgordon@kannapolisnc.gov Email: \_\_\_\_\_

Legal relationship of applicant to property owner: \_\_\_\_\_

Property Location/Address: \_\_\_\_\_

Tax Parcel Number: \_\_\_\_\_ Zoning District: \_\_\_\_\_ Acreage of Site: \_\_\_\_\_

Applicant Name (Print) \_\_\_\_\_ Property Owner Name (Print) \_\_\_\_\_

Applicant Signature & Date [Signature] 3-30-17 Property Owner Signature & Date \_\_\_\_\_

***The agenda deadline is the first day of the month preceding the month of the meeting. To be considered for placement on the next meeting agenda, the signed application, application fee, and five (5) copies of any required site plans for staff review must be submitted by the deadline. However, to remain on the next meeting agenda, fifteen (15) copies of such plans, determined by staff to conform to all ordinance standards, must be submitted at least ten (10) days before the meeting date. All fees are nonrefundable and help to cover administrative and notification costs.***

For Staff Use Only:

Filing Fee: \_\_\_\_\_ Receipt # \_\_\_\_\_

Application No.: \_\_\_\_\_ Date Submitted (Complete): \_\_\_\_\_



## CITY OF KANNAPOLIS

### AN APPLICATION TO AMEND THE TEXT OF THE UNIFIED DEVELOPMENT ORDINANCE

I Zachary D. Gordon, hereby make application for an amendment to the following section(s) of the Unified Development Ordinance:

Section C.7

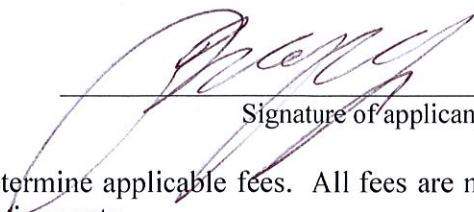
In the space provided below, or on a separate sheet, present your requested text for the Ordinance provisions in question:

See Attached

---

State your reasons for amending the text of the Ordinance:

See Attached Staff Report



---

Signature of applicant

**Fee:** Please refer to fee schedule to determine applicable fees. All fees are nonrefundable and help to cover administrative and notification costs.

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**STAFF USE ONLY**

Scheduled Planning Commission meeting date: April 5, 2017

Dates advertised in newspaper: 3/24/2017 and 3/31/2017

**Planning Commission recommendation:** \_\_\_\_\_

**Recommended changes to proposed text:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

City Council Meeting Date: \_\_\_\_\_

Dates advertised in newspaper: \_\_\_\_\_ and \_\_\_\_\_

**City Council Decision:** \_\_\_\_\_

**Changes to proposed text:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date written notice of final decision sent to applicant: \_\_\_\_\_





**NOTICE OF PUBLIC HEARING  
Kannapolis City Hall  
401 Laureate Way, Kannapolis, NC**

**City Council Meeting  
Monday, April 24, 2017 at 6:00 pm**

**Public Hearing Notice - Zoning Text Amendment – TA-2017-01 - Public Hearing to consider a text amendment to Article 4 Zoning Districts and Dimensional Regulations, Section 4.7.5 Dimensional Standards for Structures, of the Unified Development Ordinance concerning setbacks for preliminary plats approved prior to a change in dimensional standards.**

**Public Hearing Notice – Zoning Text Amendment – TA-2017-02 – Public Hearing to consider a text amendment to Article 11 Site Design Standards, Section 11.6 Supplemental Design Standards for Campus Development (CD) District, Section 11.6.3 Design Standards, of the Unified Development Ordinance, concerning access to Campus Development projects.**

**Public Hearing Notice – Zoning Text Amendment – TA-2017-03 – Public Hearing to consider a text amendment to Appendix C Design Standards for Streets and Utilities, Section C.7 Standard Details and Cross-Sections Drawings, of the Unified Development Ordinance, removing the standard details and cross-sections drawings and locating them in the Office of the Zoning Administrator and the Office of the Director of Public Works.**

If you have questions or concerns regarding this case, please contact the City of Kannapolis Planning Department at 704-920-4350.

Hearing impaired persons desiring additional information or having questions regarding this subject should call the North Carolina Relay Number for the Deaf (1-800-735-8262). The meeting facility is accessible to people with disabilities. To request special accommodations in advance, contact the City's ADA Coordinator at 704-920-4302 or email [tcline@kannapolisnc.gov](mailto:tcline@kannapolisnc.gov).



**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY WITH REGARD TO  
TEXT AMENDMENT CASE TA-2017-03**

**WHEREAS**, Section 160A-383 (2013) of the North Carolina General Statutes specifies that the governing board shall also approve a statement describing whether its action is consistent with an adopted comprehensive and any other officially adopted plan that is applicable; and

**WHEREAS**, the Kannapolis City Council considers the text amendment to Appendix C Design Standards for Streets and Utilities, Section C.7 Standard Details and Cross-Section Drawings, of the Unified Development Ordinance, removing the standard details and cross-sections drawings and locating them in the Office of the Zoning Administrator and the Office of the Director of Public Works to be reasonable and in the public interest because it will allow for updates and amendments to the UDO consistent with evolving engineering design standards and practices as deemed necessary and appropriate by the public works department; and

**WHEREAS**, the City Council conducted a Public Hearing on April 24, 2017 for consideration of text amendment case TA-2017-03 as submitted by the Planning Department staff;

**NOW, THEREFORE BE IT RESOLVED** that the City Council finds the text amendment as represented in Case TA-2017-03 to be in the public interest, reasonable and consistent with the 2015 City of Kannapolis Land Use Plan adopted by the City Council, and is recommended for approval by the City Council based on consideration of the application materials, information presented at the Public Hearing, and the recommendation provided by Staff.

Adopted this the 24<sup>th</sup> day of April, 2017;

---

Milton D. Hinnant, Mayor

Attest:

---

Bridgette Bell, MMC, NCCMC  
City Clerk



**AN ORDINANCE TO AMEND TEXT OF THE UNIFIED  
DEVELOPMENT ORDINANCE, APPENDIX C, SECTION C.7.  
CASE #TA-2017-03**

**WHEREAS**, per Section 3.8 of the Kannapolis Unified Development Ordinance (“UDO”), the City Council has final authority on zoning text amendments; and

**WHEREAS**, per Section 3.8 of the UDO, the Planning and Zoning Commission, at its regular meeting on April 5, 2017, recommended approval of the text amendment by a unanimous vote; and

**WHEREAS**, City Council conducted a public hearing to consider an amendment to Appendix C, Design Standards for Streets and Utilities, Section C.7 Standard Details and Cross-Section Drawings of the UDO on April 24, 2017; and

**WHEREAS**, the proposed amendment is consistent with the goals and policies of the 2015 Land Use Plan and reasonable;

**NOW, THEREFORE, BE IT ORDAINED**, by the Kannapolis City Council that Appendix C, Section C.7 be amended as follows:

**The proposed text amendment to the UDO for Appendix C is shown as underline additions below and red X’s as deletions (See attached diagrams)**

**C.7. STANDARD DETAILS AND CROSS-SECTION DRAWINGS.**

**C.7.1. Standard details and cross-section drawings for streets shall conform to the most current adopted version of standard details and cross-section drawings. A copy of these details and drawings is available at the office of the Administrator or the office of the Public Works Director.**

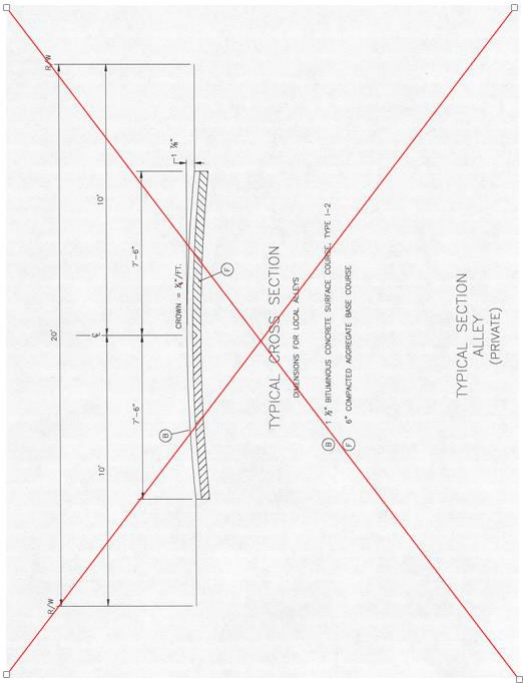
Adopted this 24<sup>th</sup> day of April, 2017.

\_\_\_\_\_  
Darrell M. Hinnant, Mayor

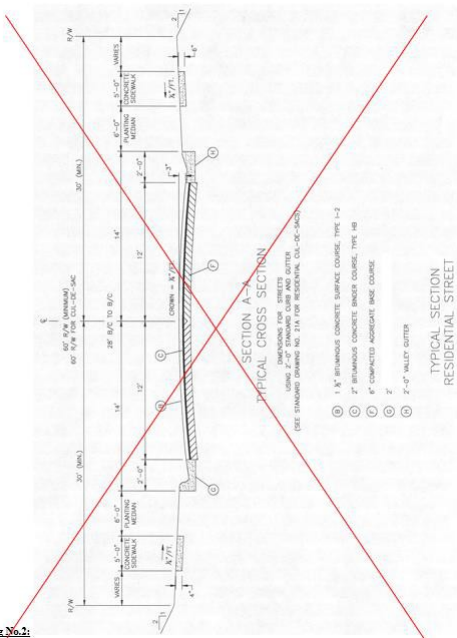
ATTEST:

\_\_\_\_\_  
Bridgette Bell, MMC, NCCMC  
City Clerk

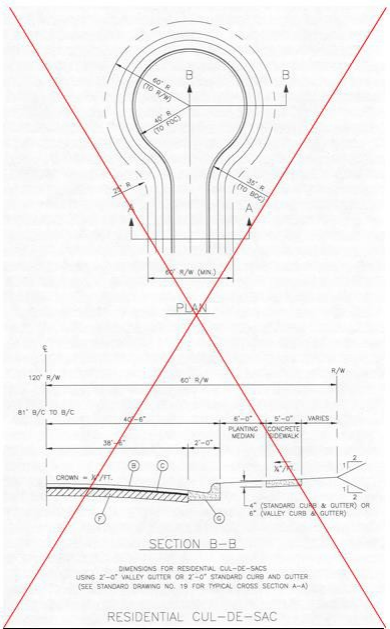
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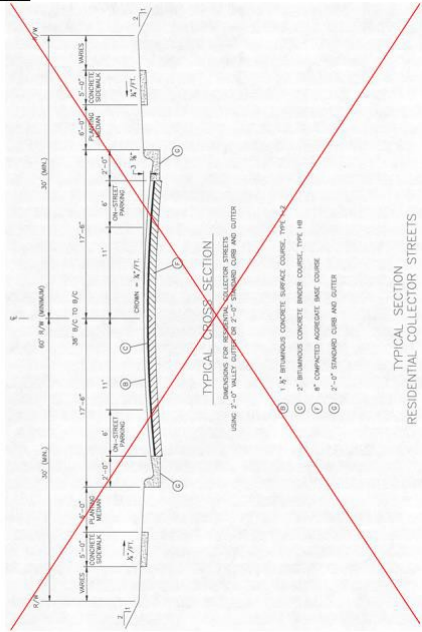
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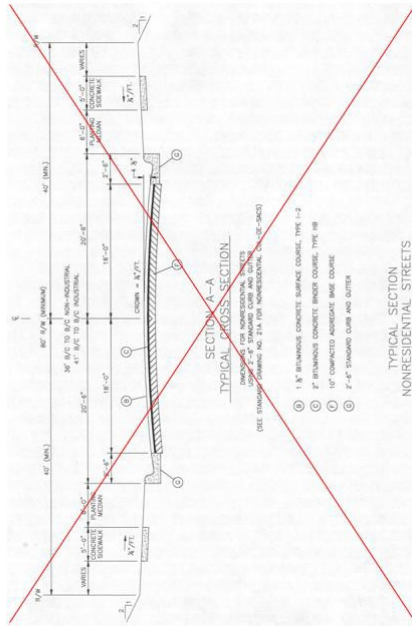
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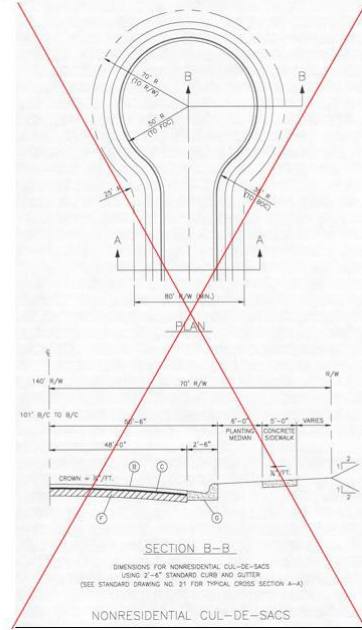
**Drawing No. 4:**



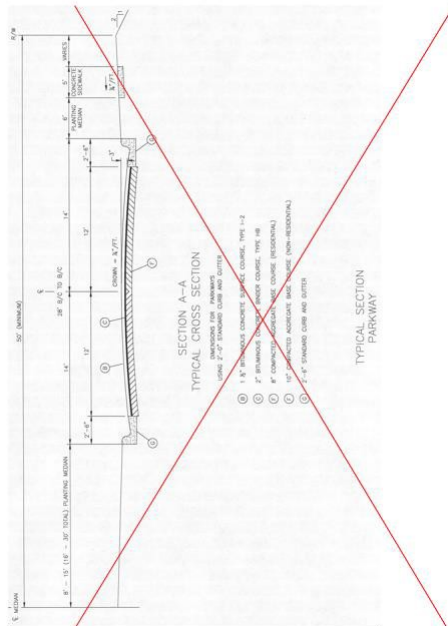
Drawing No. 5:



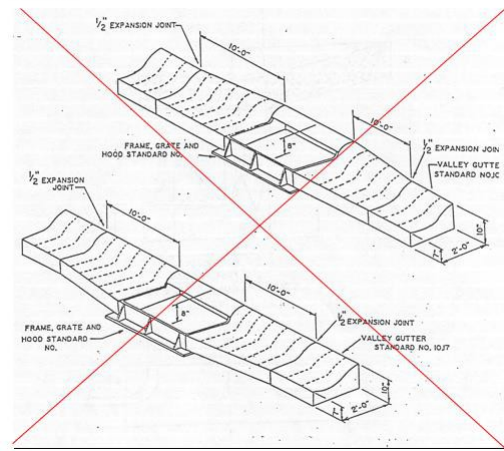
Drawing No. 6:



Drawing No. 7:

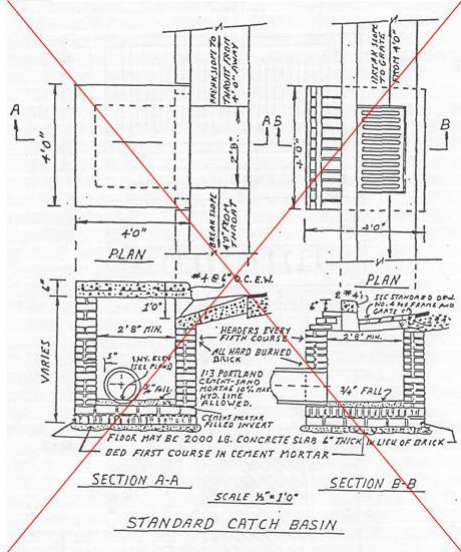


Drawing No. 8:

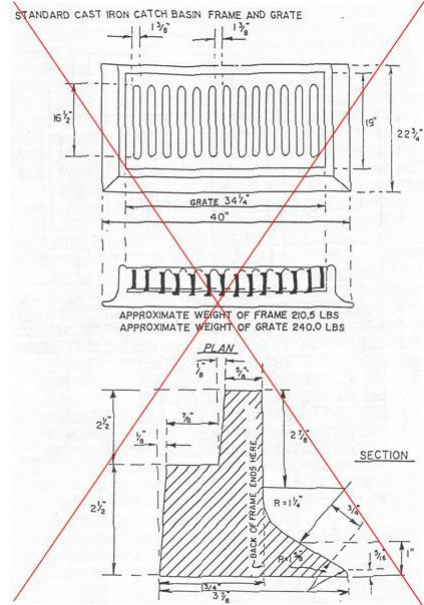




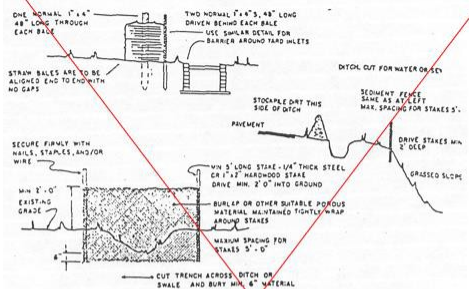
Drawing No. 9:



Drawing No. 10:



Drawing No. 11:



### SEDIMENT FENCE / STRAW BALE LINE

1. GENERAL DESCRIPTION - TO BE USED DURING THE INSTALLATION OF ALL WATER AND SEWER MAINS ALONG ROAD SHOULDERS OF ANY HIGHWAY ROAD SYSTEM.
2. CONTROL STRUCTURES INDICATED ON PLANS ARE TO BE INSTALLED PRIOR TO ANY DIGGING OR DISRUPTION OF VEGETATION. CONTRACTOR SHALL MAINTAIN ALL ROADSIDE DRAINAGE DITCHES FREE OF SEDIMENT.
3. CONTRACTOR SHALL MAINTAIN ALL EROSION CONTROL MEASURES IN A SATISFACTORY MANNER BY REMOVING SEDIMENT OR REPLACING STRUCTURE IF REQUIRED BY RESIDENT INSPECTOR OR STATE AUTHORITIES. OTHER MEASURES MAY BE REQUIRED DEPENDING ON LOCAL WEATHER OR GROUNDWATER CONDITIONS.
4. CONTRACTOR SHALL REMOVE ALL WASTE MATERIAL AND EROSION STRUCTURES FROM PROJECT AFTER COMPLETION OF PROJECT.
5. USE RIP-RAP WHERE REQUIRED ON ANY DISTURBED STREAM BANKS. CONTRACTOR SHALL PLAN WORK SO THAT STOCKPILES OF EARTH ARE NOT SUBJECT TO WASHING INTO ANY STREAM OR DRAINAGE STRUCTURE BY EITHER NORMAL SURFACE DRAINAGE OR FLOODING OF THE STREAM.
6. ALL AREAS NOT TO BE PAVED OR GRAVELED ARE TO BE GRASSED WITHIN 30 DAYS OF BACKFILL AS REQUIRED BY EROSION CONTROL REGULATIONS.
7. BEFORE RESEEDING ANY DISTURBED AREA, CONTACT LANDSCAPE SUPERVISOR, DEPT. OF TRANSPORTATION, DISTRICT OFFICE - ALECMARLE, N.C. (TELE. 1-704-982-1000).



**City of Kannapolis  
City Council Meeting  
April 24, 2017  
Staff Report**

**TO:** Mayor and City Council  
**FROM:** Ernie Hiers, Fire Chief  
**TITLE:** Construction Manager at Risk Contract for Fire Station #2 and Fire Station #3

**A. Action Requested by City Council**

**Motion to approve a Resolution adopting the CMAR construction delivery method and authorizes the City Manager to execute the Construction Contract.**

**B. Required Votes to Pass Required Action**

Majority present at meeting

**C. Background**

City Staff recommends the Construction Manager at Risk (CMAR) for this Project. Construction Management at Risk delivery method requires the construction management company to be selected using a qualifications based selection process. The Construction Manager at Risk serves as the City's fiduciary and coordinates subcontract bid packages to develop optimum competition and compliance with the City's SDBE program. Construction Management At Risk is the delivery method that most closely affords the benefits of integrated project delivery, whereby the CMAR and Architect are involved in the project development during the design and preconstruction phase as an integrated team contracted by the City, to provide design and preconstruction services in the best interests of the project and as a team throughout the project life cycle.

Construction Management Risk provides pre-qualification of first tier subcontractors through a process developed jointly in conjunction with the City. Construction Management at Risk delivery method provides for "open book" project delivery, subject to audits, end of project reconciliation and sophisticated project management during the preconstruction and construction phases.

Based on prior experience and analysis of project delivery options available to the City, Construction Management at Risk delivery method is recommended as "in the best interest of the project".

Request for Qualifications for Construction Manager at Risk was advertised on January 13, 2017; pre-proposal conferences were conducted on February 1, 2017; and written submittals were received on February 8, 2017. Interviews were conducted on February 15, 2017. Monteith Construction Corp was determined to be the top ranked CMAR firm. Contract and fee negotiations have been ongoing with both firms, as well as pre-contract team meetings.

Monteith Construction is a Corporation headquartered in Wilmington, North Carolina. Since their inception in 1997, the company has experienced steady, smart growth that enables them to excel on both large and small building projects throughout North and South Carolina. They place special emphasis on preconstruction, where their pre-con team works to develop and expand the relationship with clients, identifying specific needs, wants and expectations while finalizing the project budget.

City Staff and Monteith Construction Corp. have negotiated the Agreement presented to Council. Approval will allow pre-construction cost estimating, analysis of constructability, schedule preparation pre-qualification of subcontractors and preparation of a Guaranteed Maximum Price. Project construction will commence as provided in the Agreement.

City Staff recommends that City Council:

1. Adopt the Resolution finding that the use of construction manager at risk services is in the best interest of the construction of Fire Station #2 and Fire Station #3; and
2. Authorize the City Manager to execute the CMAR contract with Monteith Construction Corp for preconstruction and construction services for the construction of Fire Station #2 and Fire Station #3.

#### **D. Fiscal Considerations**

The City of Kannapolis intends to issue Special Obligation Bonds (debt) in order to fund the construction of Fire Station #2 and Fire Station #3. The City will not issue the debt until all bids are received, and the Guaranteed Maximum Price (GMP) is agreed upon.

#### **E. Policy Issues**

The Resolution adopts the CMAR construction delivery method and authorizes the City Manager to execute the Construction Contract.

#### **F. Legal Issues**

City Staff has followed statutory procedures to select the proposed CMAR contractor for the required construction work.

#### **G. Alternative Courses of Action and Recommendation**

1. **Approve the Resolution adopting the Construction Manager at Risk construction delivery method and authorizes the City Manager to execute the Construction Contract (Recommended)**
2. Reject the Resolution which will result in no action on the proposed project at this time.

#### **H. Issue Reviewed By**

Bridgette Bell, Eddie Smith, Eric Davis, Ernie Hiers, Mike Legg, Wally Safrit



**ATTACHMENTS:**

**File Name**

- ▣ Resolution\_ApprovingTheUseOfConstructionManagerAtRiskServices\_(Fire\_Stat....pdf

**RESOLUTION APPROVING THE USE OF  
CONSTRUCTION MANAGER AT RISK SERVICES  
PURSUANT TO G.S. 143-128.1 AND CONSTRUCTION AGREEMENT  
FOR CONSTRUCTION OF KANNAPOLIS FIRE STATIONS 2 AND 3**

WHEREAS, G.S.143-128.1(e) requires that construction management at risk services may be used by a public entity only after the public entity has concluded that construction manager at risk services is in the best interest of the project, and the public entity has compared the advantages and disadvantages of using the construction manager at risk method for a given project in lieu of the delivery methods identified in G.S. 143-128(a1)(1) through G.S. 143-128(a1)(3);

WHEREAS, the City intends to enter into a construction manager at risk contract for preconstruction and construction services for construction of fire stations 2 (819 Richard Avenue) and 3 (1701 Concord Lake Road) (the "Project"); and

WHEREAS, the proposed Project is for unique and specific use construction facilities which will require knowledgeable project management and construction oversight; and

WHEREAS, the City has selected Monteith Construction Corp. through the pre-qualification procedures pursuant to G.S. 143-64.31 for construction manager at risk services for the Project; and

WHEREAS, the use of construction manager at risk services is preferred over the other delivery methods provided for under G.S. 143-128(a1)(1) through G.S. 143-128(a1)(3) because the Project will greatly benefit from preconstruction services, phasing strategies, logistics planning, complex scheduling, constructability reviews and subcontractor market analysis, which services are best delivered by construction manager at risk services with a construction contractor experienced in building such facilities.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF KANNAPOLIS HEREBY RESOLVES:

Section 1. For the reasons stated above, the selection of Monteith Construction Corp. for construction manager at risk services is in the best interest of the Project, as compared with the advantages and disadvantages of using the construction manager at risk method for a given project in lieu of the delivery methods identified in G.S. 143-128(a1)(1) through G.S. 143-128(a1)(3).

Section 2. The construction manager at risk contract (AIA Document A133-2009) negotiated by the City Staff and Monteith Construction Corp. is hereby approved for execution by the City Manager subject to minor changes and non-material revision consistent with this Resolution.

Section 3. This Resolution shall be effective upon passage.

This the 24th day of April, 2017.

---

Milton D. Hinnant, Mayor

Attest:

---

Bridgette Bell, MMC, NCCMC  
City Clerk



**City of Kannapolis  
City Council Meeting  
April 24, 2017  
Staff Report**

**TO:** Mayor and City Council  
**FROM:** Mike Legg, City Manager  
**TITLE:** Amendment to the Waste Management Contract Returning Yard Waste

**A. Action Requested by City Council**

**Approve amendment to the Waste Management Contract returning yard waste collection services to the City and authorize the City Manager to execute the amendment.**

**B. Required Votes to Pass Required Action**

Majority present at meeting

**C. Background**

City Council and staff have explore options for improving yard waste collection service. The discussion covered the past several years in which Waste Management experienced challenges in providing the service level expected by the City. Additionally, it has become clear that yard waste is simply not one of the company's core services. The City of Kannapolis and Waste Management have come to a mutual agreement that this service is better provided by the City.

Therefore, effective October 1, 2017, the City of Kannapolis will be assuming responsibility of all yard waste collection services should Council approve this contract amendment.

**D. Fiscal Considerations**

The cost for providing the services is included in the FY 2018 Budget that will be presented to City Council for approval. This service will include the hiring of five (5) new staff members as well as the purchase of four (4) leaf machines, two (2) boom trucks, one (1) rear-loader and one (1) pick-up truck. Funds necessary to bring this service in house will be contained within the amount currently allocated for these services in Waste Management's contract.

**E. Policy Issues**

City Council approval is required to amend the current service contract with Waste Management to transition yard waste collection services back to the City.

<b>F. Legal Issues</b>
------------------------

None

<b>G. Alternative Courses of Action and Recommendation</b>
--

1. **Approve amendment to the Waste Management Contract and authorize the City Manager to execute the amendment. (Recommended)**
2. Deny approval of the amendment to the Waste Management Contract.

<b>H. Issue Reviewed By</b>
-----------------------------

Bridgette Bell, Eddie Smith, Mike Legg, Wally Safrit, Wilmer Melton

**ATTACHMENTS:**

File Name

□ 2017\_04-24\_Second\_Amendment\_To\_Solid\_Waste\_Collection\_Services\_Agreement\_(4-13-17).doc

**STATE OF NORTH CAROLINA**  
**COUNTY OF CABARRUS**

**SECOND AMENDMENT TO  
SOLID WASTE COLLECTION  
SERVICE AGREEMENT**

THIS SECOND AMENDMENT TO SOLID WASTE COLLECTION SERVICES AGREEMENT (the "Second Amendment") is executed this \_\_\_\_ day of April, 2017 by and between the City of Kannapolis, a North Carolina municipal corporation, (hereinafter "City"), and Waste Management of the Carolinas, Inc. (hereinafter "Contractor");

WITNESSETH:

WHEREAS, City and Contractor executed a Residential Solid Waste Services Agreement dated June 22, 2001 (the "Agreement") which Agreement is acknowledged and ratified by the parties hereto; and

WHEREAS, the Agreement was first amended on May 14, 2014; and

WHEREAS, City and Contractor desire to provide certain additional provisions and amendments to the Agreement as hereinafter provided; and

WHEREAS, it is the primary intention of the parties hereto to exclude from the Agreement all services relating to yard waste collection services (the "Yard Waste Services").

NOW, THEREFORE, for valuable consideration and the premises contained herein, the parties amend the Agreement (the "Amendment") as provided herein and otherwise agree as follows:

**SECTION ONE**  
**DESCRIPTION OF SERVICES**

Contractor has provided and agrees to continue to provide certain services of the quality and quantity pursuant to the Contract Documents as defined hereinafter.

**SECTION TWO**  
**CONTRACT DOCUMENTS**

The Contract Documents includes the Agreement, as amended, together with this Amendment and all pertinent correspondence and documentation all of which is incorporated herein by reference.

**SECTION THREE**  
**AMENDMENTS**

1. Section 1.0 "Statement of Purpose" is hereby amended to delete the word "all".
2. Section 10 "Yard Waste Collection" is hereby deleted in its entirety.
3. Sub-Section 11.1.1 "Complaints" is hereby amended to add the following two sentences at the end of the paragraph:

“Contractor will provide City with a valid telephone number (“Complaint Contact Number”) available for receiving calls or messages on a 24 hour basis for reporting missed service or other complaints. Contractor will notify City by 5:00 pm following the day of receipt of a complaint from City or a customer of the action Contractor has taken in resolution of it.”

4. Sub-Section 11.3.1 “Public Information” is hereby amended to add the following sentence at the end of the paragraph:

“Public information shall include notice to customers of the Complaint Contact Number.”

5. Sub-Section 3.18.3 “Failure to Cure” is hereby amended by the addition of new subparagraph “h” as follows:

“Damage to collection carts caused by the negligence of the Contractor shall be reimbursed to City in accordance with subsection 3.18.3(d) herein above.”

6. Section 3.17 “Contractors Equipment, Facilities and Records” is hereby amended by the addition of subparagraph 3.17.7 “Automatic Vehicle Location System” as follows:

“3.17.7 Automatic Vehicle Location Device and System.” Contractor shall install on all vehicles used in performance of this Agreement an automatic vehicle location device (“AVL”) together with all systems, devices and software which will allow City to remotely track the location of all vehicles in use for the performance of collection services at no cost to the City.”

#### SECTION FOUR TERM OF AGREEMENT AMENDMENT

Yard Waste Services by Contractor shall terminate at 11:59 PM on September 30, 2017. All other collection services by Contractor shall continue for their original term or their currently extended term.

#### SECTION FIVE MISCELLANEOUS

- 1.0 No Novation. Except as amended hereby, all other terms, conditions, provisions and obligations of the Agreement, as amended, shall remain in full force and effect.
- 2.0 Iran Divestment Act Certification. By executing this Contract, Contractor certifies that Contractor is not listed on the Iran Final Divestment List (“List”) created by the State Treasurer pursuant to N.C.G.S. 147-86.55 *et seq*, the Iran Divestment Act (“Act”). In compliance with the Act’s requirement, Contractor shall not utilize in the performance of this Agreement any subcontractor that is identified on the List. The List can be found on the State Treasurer’s website at the address [www.nctreasurer.com/Iran](http://www.nctreasurer.com/Iran) and should be updated at least every 180 days.

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials, this Agreement in duplicate on the respective dates indicated below:

CITY OF KANNAPOLIS (City)

By: \_\_\_\_\_  
Michael B. Legg  
City Manager

WASTE MANAGEMENT  
OF THE CAROLINAS, INC. (Contractor)

By: \_\_\_\_\_  
Title: \_\_\_\_\_

APPROVAL BY CITY FINANCE OFFICER

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

\_\_\_\_\_  
Eric Davis, Finance Director



**City of Kannapolis  
City Council Meeting  
April 24, 2017  
Staff Report**

**TO:** Mayor and City Council  
**FROM:** Zachary D. Gordon, AICP, Planning Director  
**TITLE:** Public Hearing - Minimum Housing Code Violation 512 Murphy Street Ext.

**A. Action Requested by City Council**

- 1. Hold Public Hearing for Minimum Housing Code Violation.**
- 2. Motion to adopt an Ordinance to demolish the substandard structure located at 512 Murphy Street extension.**

**B. Required Votes to Pass Required Action**

Majority present at meeting

**C. Background**

Due to the substandard condition of the house, obvious damage caused by vagrants, and the overall unsafe conditions around the property, a Minimum Housing Code case was opened on December 5, 2016. Soon after opening the case a title search was received from legal staff. It was determined that the estate of each of the owners had not been probated and that the taxes were over \$3800 in arrears. A Hearing Notice was mailed to the only parties of interest and it was also listed in the Notice Of Publication section of the newspaper.

A hearing was held on December 19, 2016. Only two parties of interest were present at the hearing. Each party was in agreement that the house was in such bad condition that it should be demolished, but each also stated that they did not have the funds to repair, or demolish. They both understood that the likelihood of the structure being demolished, and a lien for incurred expenses would be placed on the property was high.

The Findings of Fact and Order was later mailed listing a deadline to repair or demolish the structure by March 19, 2017. No change in property status has occurred since this date.

**D. Fiscal Considerations**

The expected cost to demolish the house is approximately \$4,000, plus expense to remove any asbestos found. Funding for the demolition would be from the Planning Department budget.



## **E. Policy Issues**

None

## **F. Legal Issues**

None

## **G. Alternative Courses of Action and Recommendation**

1. **Adoption of an Ordinance to demolish the substandard structure located at 512 Murphy Street. (Recommended)**
2. Delay action and address again at a future meeting.
3. Do not adopt the Ordinance and take no action

## **H. Issue Reviewed By**

Bridgette Bell, Mike Legg, Wally Safrit, Zac Gordon

### **ATTACHMENTS:**

#### **File Name**

- ☐ Hearing\_Notice\_512\_Murphy\_Street\_Extension\_HC17-31.docx
- ☐ Exhibit\_A\_512\_Murphy\_Street\_Ext\_HC16-31.doc
- ☐ SAM\_1535.JPG
- ☐ SAM\_2087.JPG
- ☐ SAM\_2091.JPG
- ☐ SAM\_2088.JPG
- ☐ 512\_Murphy\_St\_Aerial\_Map\_4-24-17.pdf
- ☐ Demo\_Ordinance\_512\_Murphy\_Street\_Ext\_4-24-17.pdf

COMPLAINT AND NOTICE OF HEARING BEFORE  
THE HOUSING INSPECTOR UNDER THE MINIMUM HOUSING CODE

**TO:** Owners and parties in interest in the property located at **512 Murphy Street Extension (5613-34-6723)**, in the City of Kannapolis, North Carolina.

**YOU ARE HEREBY NOTIFIED** that the housing unit and/or lot located at the address designated above is a condition that appears to be unfit for human habitation and to violate the City of Kannapolis Minimum Housing Code in the following ways:

**See Exhibit "A"**

**YOU ARE FURTHER NOTIFIED** that a hearing will be held before the Inspector of the City of Kannapolis at 401 Laureate Way at **10:00 A.M on December 19, 2016** for the purpose of finding the facts as to whether or not the condition of such property falls within the scope of the above mentioned sections of the Minimum Housing Code. At the hearing, you shall be entitled to offer such evidence as is relevant to material to the questions sought to be determined or the remedies to be effected.

**YOU ARE FURTHER NOTIFIED** that if, upon such hearing, the Housing Inspector shall find that the conditions of the above described property do in fact violate the Minimum Housing Code, and do in fact render such dwelling unit unfit for human habitation, the Housing Inspector will issue an order in writing directed to the owner of such property requiring the owner to remedy these conditions. The Housing Inspector may make such other orders and take such other procedures as are authorized under the Housing Code and the General Statutes of North Carolina.

Further information as to this matter may be obtained by contacting the undersigned at 704-920-4356. I can also be reached by e-mail at [twcline@kannapolisnc.gov](mailto:twcline@kannapolisnc.gov).

**This the 7<sup>th</sup> day of December 2016.**



---

Tony W. Cline  
Housing Inspector

**"Exhibit A"**  
**Inspection conducted on December 5, 2016**  
**512 Murphy Street Extension**

A building or structure to be especially dangerous to life and held unsafe if the inspector finds any one of the following conditions existing in such building or structure (all conditions below apply to this property)

Dilapidation, decay, unsanitary conditions or disrepair which is dangerous to the health, safety or welfare of the occupants or other people of the jurisdiction

Inadequate facilities for egress in case of fire or panic

Defects significantly increasing the hazards of fire, accident or other calamities

Lack of adequate ventilation, light, heating or sanitary facilities to such extent as to endanger the health, safety or general welfare of the occupants or other residents of the jurisdiction

Lack of proper electrical, heating or plumbing facilities required by this article which constitutes a health or a definite safety hazard

For any building whose occupancy classification requires it, lack of connection to a potable water supply and/or to the public sanitary sewer or other approved sewage disposal system

Any violation of the State Fire Prevention Code which constitutes a condition which is unsafe and especially dangerous to life

Any abandoned residential building which is found to be a health or safety hazard by the Inspector as a result of the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children, or frequent use by vacant as living quarters in absence of sanitary facilities

Specific violations will be discussed at the hearing with pictures to show substandard conditions around and within the structure

**Repair cost is expected to be more than \$11,185 which is 50% of the tax value of the building. The total tax value of the building is \$22,370.00**





12/05/2016 01:28 PM





03/29/2017 09:26 AM





03/29/2017 09:28 AM





03/29/2017 09:26 AM





# Site Map

Address: 512 Murphy Street Extension

Parcel Number: 56133467230000

512 Murphy St Extension  
(56133467230000)





**File No. HC17-31**

**AN ORDINANCE DIRECTING THE HOUSING INSPECTOR TO REMOVE OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED**

**WHEREAS**, the City of the Kannapolis finds that the dwelling described herein is unfit for human habitation under the City Minimum Housing Code and that all of the procedures of the Minimum Housing Code have been complied with; and

**WHEREAS**, this dwelling should be removed or demolished as directed by the Code Administrator/Housing Inspector and should be placarded by placing thereon a notice prohibiting use for human habitation; and

**WHEREAS**, the owner of this dwelling has been given a reasonable opportunity to bring the dwelling up to the standards of the Minimum Housing Code in accordance with NCGS 160A-443(5) pursuant to an order issued by the Code Enforcement Officer/Housing Inspector on **December 19, 2016**, and the owner has failed to comply with the Order;

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

Section 1. The owner of such building(s), dwelling(s) and premises is hereby ordered to vacate any occupants or personal property therein on or before **May 9, 2017**.

Section 2. The Housing Inspector is hereby authorized and directed to place a placard containing the legend:

"This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful."

on the building located at the following address:

**512 Murphy Street Extension (5613-34-6723)**

Section 3. The Code Enforcement Officer/Housing Inspector is hereby authorized and directed to proceed to remove or demolish the above described structure in accordance with his order to the owner thereof dated the **19th day of March 2017**, and in accordance with the Housing Code and NCGS 160A-443;

Section 4. (a) The cost of removal or demolition shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed in the office of the County Tax Collector, and shall have the same priority and be collected in the same manner as the lien for special assessments in Article 10 of NCGS Chapter 160A or as otherwise allowed by law.

(b) Upon completion of the required removal or demolition, the Code Enforcement Officer/Housing Inspector shall sell the materials of the dwelling and credit the proceeds against the cost of removal or demolition. The Code Enforcement Officer/Housing Inspector shall certify the remaining balance to the Tax Collector. If a surplus remains after the sale of the materials and satisfaction of the cost of removal or demolition, the Code Enforcement Officer/Housing Inspector shall deposit the surplus in the Superior Court where it shall be secured and disbursed in the manner provided by NCGS 160A-443(6).

Section 5. It shall be unlawful for any person to remove or cause to be removed the placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building therein declared to be unfit for human habitation.

Section 6. This Ordinance shall become effective upon its adoption.

**ADOPTED this**\_\_\_\_\_ **day of** \_\_\_\_\_.

\_\_\_\_\_  
Milton D. Hinnant, Mayor

ATTEST:

\_\_\_\_\_  
Bridgette Bell, MMC, NCCMC  
City Clerk



**City of Kannapolis  
City Council Meeting  
April 24, 2017  
Staff Report**

**TO:** Mayor and City Council  
**FROM:** Zachary D. Gordon, AICP, Planning Director  
**TITLE:** Public Hearing - Minimum Housing Code Violation 1519 Lydia Street

**A. Action Requested by City Council**

- 1. Hold Public Hearing for Minimum Housing Code Violation**
- 2. Motion to delay action indefinitely on demolition of structure at 1519 Lydia Street.**

**B. Required Votes to Pass Required Action**

Majority present at meeting

**C. Background**

City Council received Staff presentation on August 22, 2016 regarding status of minimum housing code violation at 1519 Lydia Street. At this meeting, Staff recommended adoption of ordinance to demolish existing structure. City Council deferred action until October 10, 2016 Council meeting, based on representation by property owner that improvements would be made to address code violations. At this meeting, Council voted to defer action until January 23, 2017 meeting. At this meeting, City Council voted to defer action until April 24, 2017.

Since January 23, 2017, no further work has been completed on the existing structure and the home is still not habitable as it lacks power, HVAC and water service.

Staff is recommending that City Council defer action indefinitely on demolition of structure located on this property because there are no public health, safety or welfare concerns that would justify the expenditure of public funds to remove the existing structure. At such time that code enforcement staff determines that the property poses a public nuisance, a request to demolish the structure will be brought to the City Council for their consideration.

**D. Fiscal Considerations**

Demolition cost estimate to remove home would be approximately \$6,000. Funds would be from Planning Department budget.

<b>E. Policy Issues</b>
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None

<b>F. Legal Issues</b>
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None

<b>G. Alternative Courses of Action and Recommendation</b>
--

1. **Motion to delay action indefinitely on demolition of structure at 1519 Lydia Street (Recommended).**
2. Adopt an Ordinance to demolish the substandard house at 1519 Lydia Street.
3. Do not adopt the Ordinance and take no action.

<b>H. Issue Reviewed By</b>
-----------------------------

Bridgette Bell, Mike Legg, Wally Safrit, Zac Gordon

**ATTACHMENTS:**

**File Name**

- 📎 Hearing\_Notice\_1519\_Lydia\_Street\_HC16-04.pdf
- 📎 Exhibit\_A\_1519\_Lydia.pdf
- 📎 Lis\_Pendens\_1519\_Lydia\_HC16-04.pdf
- 📎 1519\_Lydia\_Street\_HC16-04.pdf
- 📎 Demo\_Ordinance\_1519\_Lydia\_\_4-24-17.pdf
- 📎 SAM\_1118\_-\_10-4-16\_Exterior.jpg
- 📎 Aerial\_Map\_-\_1519\_Lydia\_Street.pdf



File No. PN16-04

COMPLAINT AND NOTICE OF HEARING BEFORE  
THE HOUSING INSPECTOR UNDER THE MINIMUM HOUSING CODE

**TO:** Owners and parties in interest in the property located at **1519 Lydia Street (PIN 5623-21-0228)**, in the City of Kannapolis, North Carolina.

**YOU ARE HEREBY NOTIFIED** that the housing unit and/or lot located at the address designated above is a condition that appears to be unfit for human habitation and to violate the City of Kannapolis Minimum Housing Code in the following ways:

**See Exhibit "A" Enclosed.**

**YOU ARE FURTHER NOTIFIED** that a hearing will be held before the Inspector of the City of Kannapolis 118 South Main Street at **10:00 A.M on February 5, 2016** for the purpose of finding the facts as to whether or not the condition of such property falls within the scope of the above mentioned sections of the Minimum Housing Code. At the hearing, you shall be entitled to offer such evidence as is relevant to material to the questions sought to be determined or the remedies to be effected.

**YOU ARE FURTHER NOTIFIED** that if, upon such hearing, the Housing Inspector shall find that the conditions of the above described property do in fact violate the Minimum Hosing Code, and do in fact render such dwelling unit unfit for human habitation, the Housing Inspector will issue an order in writing directed to the owner of such property requiring the owner to remedy these conditions. The Housing Inspector may make such other orders and take such other procedures as are authorized under the Housing Code and the General Statutes of North Carolina.

Further information as to this matter may be obtained by contacting the undersigned at 704-920-4356. I can also be reached by e-mail at [twcline@kannapolisnc.gov](mailto:twcline@kannapolisnc.gov).

**This the 21<sup>st</sup> day of January 2016.**

---

Tony W. Cline  
Housing Inspector

**"Exhibit A"**  
**Inspection conducted on January 20, 2016**  
**1519 Lydia Street**

A building or structure to be especially dangerous to life and held unsafe if the inspector finds any one of the following conditions existing in such building or structure (all conditions below apply to this property)

Dilapidation, decay, unsanitary conditions or disrepair which is dangerous to the health, safety or welfare of the occupants or other people of the jurisdiction

Inadequate facilities for egress in case of fire or panic

Defects significantly increasing the hazards of fire, accident or other calamities

Lack of adequate ventilation, light, heating or sanitary facilities to such extent as to endanger the health, safety or general welfare of the occupants or other residents of the jurisdiction

Lack of proper electrical, heating or plumbing facilities required by this article which constitutes a health or a definite safety hazard

For any building whose occupancy classification requires it, lack of connection to a potable water supply and/or to the public sanitary sewer or other approved sewage disposal system

Any violation of the State Fire Prevention Code which constitutes a condition which is unsafe and especially dangerous to life

Any abandoned residential building which is found to be a health or safety hazard by the Inspector as a result of the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children, or frequent use by vacant as living quarters in absence of sanitary facilities

Specific violations will be discussed at the hearing with pictures to show substandard conditions around and within the structure

**Repair cost is expected to be more than \$6,925 which is 50% of the tax value of the building. The total tax value of the building is \$13,850.**

**NOTICE OF LIS PENDENS**  
**FILED PURSUANT TO N.C. GEN. STAT. § 1-120.2**  
**CITY OF KANNAPOLIS**  
**PROCEEDING**

THIS NOTICE OF LIS PENDENS is filed by the City of Kannapolis, a Municipal Corporation of Cabarrus County, North Carolina, to provide record notice of the following code enforcement proceeding:

1. This code enforcement proceeding is pending before the Housing Inspector of the City of Kannapolis, 118 South Main Street, Kannapolis, NC 28082.

2. The parties to this code enforcement action are:

Brown Russell Enterprises LLC

C/O Talmadge Brown

3. The nature and purpose of this code enforcement action is correction of violations of the Kannapolis Code of Ordinances under (applicable proceeding checked):

☒ Chapter 8, Minimum Housing and Article 19, Part 6, North Carolina General Statutes.

☐ Chapter 4, Article II. Non-Residential Building Code, and Article 19, Part 5, North Carolina General Statutes.

Other: \_\_\_\_\_

A copy of the complaint and notice of hearing issued in said code enforcement proceeding is attached hereto and incorporated herein by reference.

4. The real property affected by this code enforcement proceeding is described as follows:

**1519 Lydia Street**

Cabarrus County Tax Department Parcel Identification Number (PIN#) **5623-21-0228**

The undersigned certifies further that a copy of this Notice of Lis Pendens was served upon the owners and parties in interest in the subject building or dwelling in accordance with NC Gen. Stat. §§ 1-120.2 and 160A-428 or 160A-445 as applicable.

Date: **August 12, 2016**

For completion by Clerk:  
JD \_\_\_\_\_, Page \_\_\_\_\_

\_\_\_\_\_  
Title: Code Enforcement Officer  
City of Kannapolis, North Carolina

February 5, 2016

File No. HC16-04

### FINDINGS OF FACT AND ORDER

TO: Owners and parties of interest of the property located at **1519 Lydia Street (5623-21-0228), in the City of Kannapolis, North Carolina.**

The undersigned Minimum Housing Code Inspector of the City of Kannapolis pursuant to law conducted a hearing at the time and place stated in the Complaint and Notice heretofore issued and served, or at a time to which the hearing with previous notice to the above-named owners and parties in interest or their agents or attorneys. At the hearing, the Answer, if any, filed by the owners and parties in interest were carefully analyzed and considered by the undersigned. In addition to other evidence presented, the undersigned personally inspected the property described above, and such inspection and examination has been considered, along with other evidence offered at this hearing.

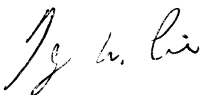
Upon the record and all of the evidence offered and contentions made, the undersigned Minimum Housing Code Inspector does hereby find the following facts:

1. The above-named owners and parties in interest with respect to the property located at the place specified above were duly served as required by law with written Complaint and Notice of Hearing which set forth the Complaint that the premises located at the above address is in violation of the City of Kannapolis Minimum Housing Code and the particulars thereof, and fixed a time and place for a hearing upon the Complaint as provided by law. At the hearing, the following owners, persons in interest or their agents or their agent's attorneys, were present and participated therein: **Talmadge Brown**
2. The premises described above does violate the City of Kannapolis Minimum Housing Code by reason of the conditions found to be present and to exist in and about the structure.
3. Due to these conditions, the building and/or premises described above is within the meaning of the City Minimum Housing Code, so as to be unfit for occupation.

**IT IS THEREFORE ORDERED** that the owners of the property above are required to bring such property into compliance with the Minimum Housing Code by:

- ☐ repairing, altering, improving or vacating and closing the deteriorated structure;
- ☒ repairing, altering, improving or vacating and demolishing the dilapidated structure;
- ☒ cleaning up the premises.

**By a date no later than the 5<sup>th</sup> day of May, 2016.**



Tony W. Cline  
Code Enforcement Officer

ffo



**File No. HC16-04**

**AN ORDINANCE DIRECTING THE HOUSING INSPECTOR TO REMOVE OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED**

**WHEREAS**, the City of the Kannapolis finds that the dwelling described herein is unfit for human habitation under the City Minimum Housing Code and that all of the procedures of the Minimum Housing Code have been complied with; and

**WHEREAS**, this dwelling should be removed or demolished as directed by the Code Administrator/Housing Inspector and should be placarded by placing thereon a notice prohibiting use for human habitation; and

**WHEREAS**, the owner of this dwelling has been given a reasonable opportunity to bring the dwelling up to the standards of the Minimum Housing Code in accordance with NCGS 160A-443(5) pursuant to an order issued by the Code Enforcement Officer/Housing Inspector on **February 5, 2016**, and the owner has failed to comply with the Order;

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

Section 1. The owner of such building(s), dwelling(s) and premises is hereby ordered to vacate any occupants or personal property therein on or before **May 9, 2017**.

Section 2. The Housing Inspector is hereby authorized and directed to place a placard containing the legend:

"This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful."

on the building located at the following address:

**1519 Lydia Street (Cabarrus County Property Identification Number 5623-21-0228)**

Section 3. The Code Enforcement Officer/Housing Inspector is hereby authorized and directed to proceed to remove or demolish the above described structure in accordance with his order to the owner thereof dated the **5<sup>th</sup> day of May 2016**, and in accordance with the Housing Code and NCGS 160A-443;

Section 4. (a) The cost of removal or demolition shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed in the office of the County Tax Collector, and shall have the same priority and be collected in the same manner as the lien for special assessments in Article 10 of NCGS Chapter 160A or as otherwise allowed by law.

(b) Upon completion of the required removal or demolition, the Code Enforcement Officer/Housing Inspector shall sell the materials of the dwelling and credit the proceeds against the cost of removal or demolition. The Code Enforcement Officer/Housing Inspector shall certify the remaining balance to the Tax Collector. If a surplus remains after the sale of the materials and satisfaction of the cost of removal or demolition, the Code Enforcement Officer/Housing Inspector shall deposit the surplus in the Superior Court where it shall be secured and disbursed in the manner provided by NCGS 160A-443(6).

Section 5. It shall be unlawful for any person to remove or cause to be removed the placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building therein declared to be unfit for human habitation.

Section 6. This Ordinance shall become effective upon its adoption.

**ADOPTED this \_\_\_\_ day of \_\_\_\_, 2017.**

---

Milton D. Hinnant, Mayor

ATTEST:

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Bridgette Bell, MMC, NCCMC  
City Clerk



10/04/2016 10:41 AM





# Site Map

Address: 1519 & 1520 Lydia Street

Parcel Number: 56232102280000 & 56231183800000







**City of Kannapolis  
City Council Meeting  
April 24, 2017  
Staff Report**

**TO:** Mayor and City Council  
**FROM:** Zachary D. Gordon, AICP, Planning Director  
**TITLE:** Public Hearing - Non-Residential Building Code Violation - 1520 Lydia Street

**A. Action Requested by City Council**

- 1. Hold Public Hearing for Non-Residential Building Code Violation**
- 2. Adopt demolition ordinance for non-residential structure located at 1520 Lydia Street.**

**B. Required Votes to Pass Required Action**

Majority present at meeting

**C. Background**

At May 23, 2016 City Council meeting, staff recommended demolition of non-residential structure at 1520 Lydia Street. Council deferred action until August 22, 2016 meeting, at which time Council voted to defer action until October 10, 2016. Property owner had previously demolished all but framework for structure. At October 10, 2016 Council meeting, a decision was made to defer action until January 23, 2017 meeting. Since January 23, 2017 City Council meeting, no further action has occurred on this property.

**D. Fiscal Considerations**

Demolition of the remaining structure is estimated to cost approximately \$5,000. Funds to demolish structure to come from Planning Department budget.

**E. Policy Issues**

None

**F. Legal Issues**

None

#### **G. Alternative Courses of Action and Recommendation**

1. **Adopt an Ordinance to demolish the substandard non-residential structure located at 1520 Lydia Street (Recommended).**
2. Delay action and address at a future date.
3. Do not adopt the Ordinance and take no action

#### **H. Issue Reviewed By**

Bridgette Bell, Mike Legg, Wally Safrit, Zac Gordon

#### **ATTACHMENTS:**

##### **File Name**

- ❑ Hearing\_Notice\_1520\_Lydia\_NR16-05.pdf
- ❑ Exhibit\_A\_1520\_Lydia\_Street\_NR16-05.pdf
- ❑ Lis\_Pendens\_1520\_Lydia\_Street\_NR16-05.pdf
- ❑ FFO\_1520\_Lydia\_Street\_NR16-05.pdf
- ❑ Demo\_Ordinance\_1520\_Lydia\_St-4-24-17.pdf
- ❑ SAM\_1123\_-\_10-4-16\_Exterior\_Photo\_-\_1520\_Lydia\_St..jpg
- ❑ Aerial\_Map\_-\_1520\_Lydia\_Street.pdf



File No. NR16-05

COMPLAINT AND NOTICE OF HEARING BEFORE  
THE HOUSING INSPECTOR UNDER THE NONRESIDENTIAL BUILDING CODE

**TO:** Owners and parties in interest in the property located at **1520 Lydia Street (PIN 5623-11-8380)**, in the City of Kannapolis, North Carolina.

**YOU ARE HEREBY NOTIFIED** that the structure and/or lot located at the address designated above is a condition that appears to be unfit for human occupation and considered to be an unsafe structure and violates the City of Kannapolis Nonresidential Building Code in the following ways:

**See Exhibit "A" Enclosed**

**YOU ARE FURTHER NOTIFIED** that a hearing will be held before the Inspector of the City of Kannapolis 118 South Main Street at **11:00 A.M on February 5, 2016** for the purpose of finding the facts as to whether or not the condition of such property falls within the scope of the above mentioned sections of the Nonresidential Building Code. At the hearing, you shall be entitled to offer such evidence as is relevant to material to the questions sought to be determined or the remedies to be effected.

**YOU ARE FURTHER NOTIFIED** that if, upon such hearing, the Housing Inspector shall find that the conditions of the above described property do in fact violate the Nonresidential Building Code, and do in fact render such structure unfit for human habitation, the Housing Inspector will issue an order in writing directed to the owner of such property requiring the owner to remedy these conditions. The Housing Inspector may make such other orders and take such other procedures as are authorized under the Nonresidential Building Code and the General Statutes of North Carolina.

Further information as to this matter may be obtained by contacting the undersigned at 704-920-4356. I can also be reached by e-mail at [twcline@kannapolisnc.gov](mailto:twcline@kannapolisnc.gov).

**This the 22nd day of January 2016.**

---

Tony W. Cline  
Housing Inspector

**"Exhibit A"**  
**Visual Interior Inspection Conducted on January 20, 2016**  
**1520 Lydia Street**

A building or structure to be especially dangerous to life and held unsafe if the inspector finds any one of the following conditions existing in such building or structure (all conditions below apply to this property)

Dilapidation, decay, unsanitary conditions or disrepair which is dangerous to the health, safety or welfare of the occupants or other people of the jurisdiction

Inadequate facilities for egress in case of fire or panic

Defects significantly increasing the hazards of fire, accident or other calamities

Lack of adequate ventilation, light, heating or sanitary facilities to such extent as to endanger the health, safety or general welfare of the occupants or other residents of the jurisdiction

Lack of proper electrical, heating or plumbing facilities required by this article which constitutes a health or a definite safety hazard

For any building whose occupancy classification requires it, lack of connection to a potable water supply and/or to the public sanitary sewer or other approved sewage disposal system

Any violation of the State Fire Prevention Code which constitutes a condition which is unsafe and especially dangerous to life

Any abandoned non-residential building which is found to be a health or safety hazard by the Inspector as a result of the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children, or frequent use by vacant as living quarters in absence of sanitary facilities

Specific violations will be discussed at the hearing with pictures to show substandard conditions around and within the structure

**Repair cost is expected to be more than \$7,255 which is 50% of the tax value of the structure. The total value of the structure is \$14,510.00.**



**NOTICE OF LIS PENDENS**  
**FILED PURSUANT TO N.C. GEN. STAT. § 1-120.2**  
**CITY OF KANNAPOLIS**  
**PROCEEDING**

THIS NOTICE OF LIS PENDENS is filed by the City of Kannapolis, a Municipal Corporation of Cabarrus County, North Carolina, to provide record notice of the following code enforcement proceeding:

1. This code enforcement proceeding is pending before the Housing Inspector of the City of Kannapolis, 118 South Main Street, Kannapolis, NC 28082.

2. The parties to this code enforcement action are:

Brown Russell Enterprises LLC

C/O Talmadge Brown

3. The nature and purpose of this code enforcement action is correction of violations of the Kannapolis Code of Ordinances under (applicable proceeding checked):

☐

Chapter 8, Minimum Housing and Article 19, Part 6, North Carolina General Statutes.

☒

Chapter 4, Article II. Non-Residential Building Code, and Article 19, Part 5, North Carolina General Statutes.

Other: \_\_\_\_\_

A copy of the complaint and notice of hearing issued in said code enforcement proceeding is attached hereto and incorporated herein by reference.

4. The real property affected by this code enforcement proceeding is described as follows:

**1520 Lydia Street**

Cabarrus County Tax Department Parcel Identification Number (PIN#) **5623-11-8380**

The undersigned certifies further that a copy of this Notice of Lis Pendens was served upon the owners and parties in interest in the subject building or dwelling in accordance with NC Gen. Stat. §§ 1-120.2 and 160A-428 or 160A-445 as applicable.

Date: **August 12, 2016**

For completion by Clerk:  
JD \_\_\_\_\_, Page \_\_\_\_\_

\_\_\_\_\_  
Title: Code Enforcement Officer  
City of Kannapolis, North Carolina

February 5, 2016

File No. NR16-05

### FINDINGS OF FACT AND ORDER

TO: Owners and parties of interest of the property located at **1520 Lydia Street (5623-11-8380), in the City of Kannapolis, North Carolina.**

The undersigned Non-Residential Building Inspector of the City of Kannapolis pursuant to law conducted a hearing at the time and place stated in the Complaint and Notice heretofore issued and served, or at a time to which the hearing with previous notice to the above-named owners and parties in interest or their agents or attorneys. At the hearing, the Answer, if any, filed by the owners and parties in interest were carefully analyzed and considered by the undersigned. In addition to other evidence presented, the undersigned personally inspected the property described above, and such inspection and examination has been considered, along with other evidence offered at this hearing.

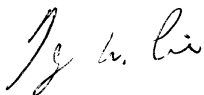
Upon the record and all of the evidence offered and contentions made, the undersigned Non-Residential Building Code Inspector does hereby find the following facts:

1. The above-named owners and parties in interest with respect to the property located at the place specified above were duly served as required by law with written Complaint and Notice of Hearing which set forth the Complaint that the premises located at the above address is in violation of the City of Kannapolis Non-Residential Building Code and the particulars thereof, and fixed a time and place for a hearing upon the Complaint as provided by law. At the hearing, the following owners, persons in interest or their agents or their agent's attorneys, were present and participated therein: **No parties of interest were present**
2. The premises described above does violate the City of Kannapolis Non-Residential Building Code by reason of the conditions found to be present and to exist in and about the structure.
3. Due to these conditions, the building and/or premises described above is within the meaning of the City Non-Residential Building Code, so as to be unfit for occupation.

**IT IS THEREFORE ORDERED** that the owners of the property above are required to bring such property into compliance with the Non-Residential Building Code by:

- ☐ repairing, altering, improving or vacating and closing the deteriorated structure;
- ☒ repairing, altering, improving or vacating and demolishing the dilapidated structure;
- ☒ cleaning up the premises.

**By a date no later than the 5<sup>th</sup> day of May, 2016.**



Tony W. Cline  
Code Enforcement Officer

ffo

**AN ORDINANCE DIRECTING THE HOUSING INSPECTOR TO REMOVE OR  
DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN  
HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT  
THE SAME MAY NOT BE OCCUPIED**

**WHEREAS**, the City of the Kannapolis finds that the dwelling described herein is unfit for human habitation under the City Nonresidential Building Code and that all of the procedures of the Nonresidential Building Code have been complied with; and

**WHEREAS**, this structure should be removed or demolished as directed by the Code Inspector and should be placarded by placing thereon a notice prohibiting use for human habitation; and

**WHEREAS**, the owner of this structure has been given a reasonable opportunity to bring the structure up to the standards of the Nonresidential Building Code in accordance with NCGS 160A-174 pursuant to an order issued by the Code Inspector on **February 5, 2016**, and the owner has failed to comply with the Order;

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

Section 1. The owner of such building(s), and premises is hereby ordered to vacate any occupants or personal property therein on or before **May 6, 2017**.

Section 2. The Code Inspector is hereby authorized and directed to place a placard containing the legend:

"This building is unfit for human habitation; the use or occupation of  
this building for human habitation is prohibited and unlawful."

on the building located at the following address:

**1520 Lydia Street (Cabarrus County Property Identification Number 5623-11-8380)**

Section 3. The Code Enforcement Officer/Inspector is hereby authorized and directed to proceed to remove or demolish the above described structure in accordance with his order to the owner thereof dated the **5<sup>th</sup> day of May 2016**, and in accordance with the Nonresidential Building Code and NCGS 160A-174;

Section 4. (a) The cost of removal or demolition shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed in the office of the County Tax Collector, and shall have the same priority and be collected in the same manner as the lien for special assessments in Article 10 of NCGS Chapter 160A or as otherwise allowed by law.

(b) Upon completion of the required removal or demolition, the Code Enforcement Officer/Inspector shall sell the materials of the structure and credit the proceeds against the cost of removal or demolition. The Code Enforcement Officer/Inspector shall certify the remaining balance to the Tax Collector. If a surplus remains after the sale of the materials and satisfaction of the cost of removal or demolition, the Code Enforcement Officer/Inspector shall deposit the surplus in the Superior Court where it shall be secured and disbursed in the manner provided by NCGS 160A-443(6).

Section 5. It shall be unlawful for any person to remove or cause to be removed the placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building therein declared to be unfit for human habitation.

Section 6. This Ordinance shall become effective upon its adoption.

**ADOPTED this \_\_\_\_ day of \_\_\_\_, 2017.**

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Milton D. Hinnant, Mayor

ATTEST:

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Bridgette Bell, MMC, NCCMC  
City Clerk





10/04/2016 10:44 AM





# Site Map

Address: 1519 & 1520 Lydia Street

Parcel Number: 56232102280000 & 56231183800000







**City of Kannapolis  
City Council Meeting  
April 24, 2017  
Staff Report**

**TO:** Mayor and City Council  
**FROM:** Walter M. Safrit II, City Attorney  
**TITLE:** Closed Session

**A. Action Requested by City Council**

**B. Required Votes to Pass Required Action**

**C. Background**

**D. Fiscal Considerations**

**E. Policy Issues**

**F. Legal Issues**

**G. Alternative Courses of Action and Recommendation**

**H. Issue Reviewed By**

ATTACHMENTS:

File Name

No Attachments Available