



**KANNAPOLIS CITY COUNCIL
BUSINESS MEETING AGENDA
Kannapolis City Hall
401 Laureate Way, Kannapolis NC
May 22, 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. National Homeownership Month
2. Memorial Day

RECOGNITIONS

1. **Recognition of the City of Kannapolis' Water Treatment Plant for Earning the North Carolina's Area Wide Optimization Program Award** (Wilmer Melton, III, Director of Public Works)
2. **Presentation of Comfort Bears and Blankets by the Trailblazer Girl Scouts** - Beth Leet, Community Service Coordinator of the Trailblazer Service Unit of the Girl Scouts of America

APPROVAL/CORRECTION OF MINUTES

1. March 27, 2017 Meeting Minutes
2. April 10, 2017 (Meeting Cancelled)
3. April 24, 2017 Meeting Minutes
4. Closed Session February 27, 2017
5. Closed Session March 27, 2017
6. Closed Session April 24, 2017

CONSENT AGENDA - Motion to Adopt Consent Agenda or make revisions

1. **Northwest Service District Elevated Tank Bid Award** (Wilmer Melton, III, Director of Public Works)

BUSINESS AGENDA

- A. **City Manager's Recommended FY 2017-18 Budget** (Mike Legg, City Manager)
- B. **Resolution directing the filing of the budget for Fiscal Year Beginning July 1, 2017 through June 30, 2018 with the City Clerk and calling for a Public Hearing on the recommended budget** (Mike Legg, City Manager)
- C. **Resolution to direct the City Clerk to certify the sufficiency of the Annexation Petition on approximately 1.1 +/- acres on Gully Street (Property Identification Numbers (PIN): 5603593567; 5603592493 AND Resolution setting a public hearing date for June 26, 2017 for said Annexation Petition** (Zachary D. Gordon, Planning Director)
- D. **WSACC Appointment to the Board of Directors** (Mike Legg, City Manager)

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

UPCOMING SCHEDULE

June 12, 2017 Workshop Meeting
June 26, 2017 Business Meeting

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 or 704-920-4302 at least forty-eight (48) hours prior to the meeting.



Office of the Mayor
KANNAPOLIS, NORTH CAROLINA
PROCLAMATION

NATIONAL HOME OWNERSHIP MONTH

WHEREAS, home ownership is an important part of the American Dream; and

WHEREAS, home ownership provides shelter and a safe place for families to enjoy one another while creating lasting relationships within the community; and

WHEREAS, home ownership encourages personal responsibility and the values necessary for strong families; where home ownership flourishes, neighborhoods are more stable, residents are more civic-minded; and

WHEREAS, more than 70 years ago, the National Housing Act was signed into law, making home ownership available to millions of families, who previously could not afford to buy their own home; and

WHEREAS, it is appropriate and fitting that we recognize the value of home ownership, the benefits to Kannapolis, our residents, and to our community; and

WHEREAS, during National Home Ownership Month, the City of Kannapolis encourages all residents to learn more about financial management and explore home ownership opportunities in the community. By taking this important step, individuals and families help safeguard their financial futures and contribute to the strength of our Nation.

NOW, THEREFORE, I, M. DARRELL HINNANT, Mayor of the City of Kannapolis, by virtue of the authority vested in me as Mayor, do hereby proclaim the month of June 2017 as:

"NATIONAL HOME OWNERSHIP MONTH"

in the City of Kannapolis and encourage all citizens, private industries, and community groups to join me in recognizing the importance of offering every American the opportunity to realize their dream of home ownership and to help work towards making that dream a reality.



IN WITNESS THEREFORE, I have set my hand and caused the Great Seal of the City of Kannapolis to be affixed this 22nd day of May, 2017.

Melton D. Hinnant



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

MEMORIAL DAY

WHEREAS, Memorial Day is a patriotic holiday in the United States when Americans celebrate the remembrance of the brave service women and men who served and are presently serving in the Army, Navy, Marine Corps, Coast Guard and Armed Forces, and

WHEREAS, soldiers, sailors and airmen based in North Carolina and the North Carolina National Guard are among the United Forces serving with distinction in Iraq and Afghanistan, and

WHEREAS, Memorial Day offers each of us the opportunity to honor loved ones and remind ourselves of the ideals that are the foundation of the freedoms we enjoy and endure because of dedication and sacrifice of those who answered the nation's call and gave their lives for their country.

NOW, THEREFORE, I, MILTON D. HINNANT, Mayor of the City of Kannapolis, North Carolina by virtue of the authority vested in me as Mayor, do hereby proclaim Monday, May 29, 2017 as:

"MEMORIAL DAY"

in the City of Kannapolis and urge all Citizens to join me in honoring the men and women who died at service to our nation in war to preserve our freedom, and honor those families who endured the sorrow of a loved one making the ultimate sacrifice on behalf of the United States of America.



IN WITNESS THEREFORE, I have set my hand and caused the Great Seal of the City of Kannapolis be affixed this 22nd day of May 2017.

Milton D. Hinnant



**City of Kannapolis
City Council Meeting
May 22, 2017
Staff Report**

TO: Mayor and City Council
FROM: Wilmer Melton, III - Director of Public Works
TITLE: Recognition - Water Treatment Plant Award

A. Action Requested by City Council
--

No action required

B. Required Votes to Pass Required Action
--

C. Background

Since 1998, the United States Environmental Protection Agency has developed several new regulations to reduce the risk of biological contamination while limiting the risk from disinfecting chemicals and their byproducts. The Area Wide Optimization Program (AWOP) was developed to help water systems meet successively more stringent regulations and achieve higher levels of water quality.

AWOP is a joint program between the EPA and states, and North Carolina has participated in AWOP since 2000. North Carolina works cooperatively with water systems to use existing equipment and treatment processes to improve or optimize water quality. Initially, AWOP focused on comprehensive performance evaluations (CPE). Water systems that fail to meet turbidity performance criteria are required to perform a detailed review of treatment processes and practices. Several surface water systems in North Carolina have voluntarily participated in the CPE process in order to improve plant operations.

The City of Kannapolis Water Treatment Plant has earned the North Carolina's Area Wide Optimization Program Award. This award means that the City of Kannapolis Water Treatment Plant is optimizing turbidity removal well below the federal and state minimums. Awards are given each year to water systems that demonstrate outstanding turbidity removal, a key test of drinking water quality. Turbidity is a measure of the cloudiness or haziness of water caused by individual particles that can interfere with disinfection and provide a medium for microbial growth. Microbes are microscopic particles that occur naturally, but can potentially include harmful bacteria and viruses. While all drinking water systems have to meet strict state and federal drinking water standards, the City of Kannapolis has met performance goals that are significantly more stringent.

This award is a clear example of the dedication shown by the staff at the Water Treatment Plant and their commitment to the City and its customers in providing a safe and dependable supply of drinking water. We are proud of our Water Treatment Staff for being the recipient of the North Carolina's Area Wide Optimization Program Award and congratulate them.

D. Fiscal Considerations

None

E. Policy Issues

None

F. Legal Issues

None

G. Alternative Courses of Action and Recommendation
--

None

H. Issue Reviewed By

Bridgette Bell, Eddie Smith, Mike Legg, Wilmer Melton

ATTACHMENTS:

File Name

No Attachments Available



**City of Kannapolis
City Council Meeting
May 22, 2017
Staff Report**

TO: Mayor and City Council
FROM: Bridgette Bell, City Clerk
TITLE: Trailblazers Girl Scouts presentation of Comfort Bears and Blankets

A. Action Requested by City Council

Presentation Only - No Action Required

B. Required Votes to Pass Required Action

Presentation Only, no action required

C. Background

The Trailblazer Girl Scout service unit in Cabarrus County recently held a community service day event where they made comfort bears and blankets. They will be presenting the bears and blankets to Chief JW Chavis and Sgt. Jamie Beach with the Kannapolis Police Department.

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

**CITY OF KANNAPOLIS
COUNCIL MEETING MINUTES
March 27, 2017**

A regular meeting of the City Council of the City of Kannapolis, North Carolina was held on Monday, March 27, 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: Darrell Jackson
Roger Haas
Tom Kincaid
Doug Wilson
Ryan Dayvault
Dianne Berry

Council Members Absent: None

City Manager: Mike Legg

Deputy City Manager: Eddie Smith

City Clerk: Bridgette Bell

Attorney: Walter M. Safrit, II

Staff Present:	Ernie Hiers	Tony Eury
	David Jordon	Irene Sacks
	Wilmer Melton	Sherry Gordon
	Gary Mills	Eric Davis
		Annette Privette-Keller

Visitors:	Jo Stephens	Vickie Carpenter
	Greg A. Johns	Debbie James Robbins
	Lester Sisk	Bobbi Hague
	Daniel Wallace	Emily Blackwell
	Robert Mueller	

CALL TO ORDER AND WELCOME:

Mayor Hinnant called the meeting to order and welcomed those in attendance. A moment of silent prayer and the Pledge of Allegiance was led by Council Member Kincaid.

ADOPTION OF AGENDA:

Mayor Pro tem Wilson made a motion to approve the agenda. Motion was seconded by Council Member Jackson and approved by unanimous vote.

APPROVAL OF MINUTES:

1 Council Member Dayvault made a motion to approve the February 7, 2017 Special Meeting
2 minutes. Council Member Kincaid seconded the motion and it was approved by unanimous vote.

3
4 Council Member Haas made a motion to approve the February 13, 2017 meeting minutes.
5 Council Member Berry seconded the motion and it was approved by unanimous vote.

6
7 Council Member Jackson made a motion to approve the February 27, 2017 meeting minutes.
8 Council Member Kincaid seconded the motion and it was approved by unanimous vote.

9
10 Mayor Pro tem Wilson made a motion to approve the February 7, 2017 Closed Session Minutes.
11 Council Member Dayvault seconded the motion and it was approved by unanimous vote.

12
13 Council Member Dayvault made a motion to approve the February 13, 2017 Closed Session
14 Minutes. Mayor Pro tem Wilson seconded the motion and it was approved by unanimous vote.

15
16 **CONSENT AGENDA:**

17 Mayor Pro tem Wilson made a motion to approve the Consent Agenda. Council Member
18 Dayvault seconded the motion and it was approved by unanimous vote.

19
20 Approve the 2017 Resurfacing Contract bid award and authorize the City Manager to execute
21 contract (Wilmer Melton III, Director of Public Works) (Copy included as Exhibit A)

22
23 Approve a Resolution entering in a contract with Shealy Electrical Wholesale for Street Lighting
24 along Laureate Way and Watson Crick Drive (Wilmer Melton III, Director of Public Works)
25 (Copy included as Exhibit B)

26
27 **BUSINESS AGENDA:**

28 **Public Hearing for the FY 2017 - 2018 (July 1, 2017 - June 30, 2018) for use of the HOME**
29 **program funds and Motion to approve the Action Plan (Sherry Gordon, Community**
30 **Development Program Administrator) (Copy included as Exhibit C)**

31 The City is anticipating receiving \$100,799 from the Cabarrus/Iredell/Rowan HOME
32 Consortium in Fiscal Year 2017 - 18 (July 1, 2017 - June 30, 2018). A twenty-five percent (25%)
33 in local match is required to receive these funds and will be provided by carryover funds from
34 previous years.

35
36 The City of Kannapolis joined the regional HOME Consortium in 2002 to receive these
37 Entitlement HOME funds. The HOME program is a housing program under HUD, yet a different
38 program entirely from CDBG. Under the HOME program, the emphasis is primarily on
39 affordable housing; whereas, with CDBG a variety of activities such as economic development,
40 street paving, infrastructure improvements, etc. are eligible. Both programs must benefit low to
41 moderate income citizens. Sufficient match funds are anticipated to come from Habitat for
42 Humanity & CCM in kind contributions and labor including sweat equity.

43
44 The City is required to conduct a public hearing to receive citizen comments and questions about
45 the use of HOME funds each year. The City of Concord, lead agent for the Consortium, will then
46 submit the annual action plan for the HOME program to HUD by May 15, 2017.

1 The City of Kannapolis will use the FY 2017-18 allocation to continue efforts to improve
2 housing stock. The City will rehab (2) homeowners dwellings that have been on our waiting list
3 for several years. Down payment assistance will be made available to first time homebuyers that
4 qualify and complete homebuyer counseling classes to purchase a home within the City of
5 Kannapolis. It is recommended that the following activities be undertaken with the FY 2017-18
6

7 **HOME funds:**

8 Rehab (2) homeowners dwelling	\$ 80,799
9 Down payment assistance	<u>\$ 20,000</u>
	\$100,799

10
11

12 There were no questions by City Council.
13

14 Mayor Hinnant then opened the public hearing to those in attendance for an opportunity to speak.
15 There being no speakers, Mayor Hinnant closed the public hearing.
16

17 Council Member Haas made a motion to approve the Action Plan for FY 2017-2018 HOME
18 Program Funds. Motion was seconded by Council Member Berry and approved by unanimous
19 vote.
20

21 **Resolution in support of the Downtown Connectivity Plan (Irene Sacks, Director of**
22 **Economic and Community Development) (Copy included as Exhibit D)**

23 Mr. Legg explained that The Cabarrus Health Alliance (CHA) was awarded a 3-year, nearly \$2.5
24 million grant from the U.S. Department of Health & Human Services to focus on reducing health
25 disparities among African American and Hispanic populations in Cabarrus County. Called the
26 REACH (Racial and Ethnic Approaches to Community Health) program, the program uses
27 policy, systems, and environmental approaches to address the leading causes of chronic disease
28 and obesity, as well as promoting healthy lifestyles. The timeframe of the grant period is October
29 2014 to September 2017.
30

31 Through the REACH grant, CHA provided the City of Kannapolis with funding to create plans
32 and policy changes that are consistent with the goals of the program: to increase access to
33 healthy food, access to physical activity opportunities, and clinical and community linkages. For
34 the 2014-15 federal fiscal year, CHA awarded \$45,000 to the City of Kannapolis for active
35 transportation planning.
36

37 Emily Blackwell of Stewart Inc., provided a power point presentation to provide
38 recommendations for improving pedestrian and bicycling connectivity for downtown
39 Kannapolis.
40

- 41 • Improving connectivity from Village Park to the new City Hall, and from NC Research
 - 42 • Identifying specific needs for bike lane signage and striping for the downtown/NCRC
 - 43 area, based on the 2014 Kannapolis Bicycle Plan.
 - 44 • Evaluating the feasibility of putting a paved path along or near the Main Street rail
 - 45 corridor
- 46
47
48

- 1 The Connectivity Study revealed
- 2 • Pedestrian Recommendations
 - 3 • Greenway & Trail Recommendations
 - 4 • Intersection Improvements
 - 5 • Bicycle Signage & Striping Plan
 - 6 • Recommendations for bicycle lanes on streets around downtown/campus area
 - 7 • Cost Estimates

8

9 Council Member Dayvault stated that the NCDOT is planning to replace the First Street bridge
10 and asked that the NCDOT give consideration for connectivity along First Street.

11

12 Council Member Haas asked how it would be funded and how would it be prioritized. City
13 Manager Legg responded that at some point in time a list will be brought back to Council for
14 consideration.

15

16 Council Member Jackson asked how the connectivity study would work with all of the
17 infrastructure and streetscape activity scheduled for this fall. City Manager Legg responded this
18 plan is more of a preview plan and feels it will not affect any work downtown. This study does
19 not commit to any funding or any specific decisions.

20

21 Council Member Dayvault made a motion to approve the Resolution in support of the Downtown
22 Connectivity Plan. Motion was seconded by Council Member Berry and approved by unanimous
23 vote.

24

25 **Adopt an Ordinance to demolish the substandard structure located at 619 South Harding**
26 **Avenue (Zachary D. Gordon, AICP, Planning Director) (Copy included as Exhibit E)**

27 Mr. Gordon provided background information:

28

29 Beginning in 2012 code enforcement staff attempted to reach the owner of the property in
30 question. At that time, the listed owner of the property was contacted by mail to determine any
31 plans with regard to repairing the substandard house. In response to the City's letter, the then
32 listed owner claimed not to own the property. This was subsequently confirmed by a review of
33 public records. Attempts were made over a period of several years to contact parties of interest in
34 this property but none were successful.

35

36 According to the Water Department no record of water hook-up or owner contact information
37 existed due to records only going back to 2004. It appears that the house had been vacant for at
38 least the years back to 2004.

39

40 In April of 2016 a thorough title search was conducted by the City. The title search listed a
41 number of individuals who could be considered parties of interest to the property. With this
42 information, attempts were made to obtain permission from parties of interest to inspect the
43 house. These attempts were unsuccessful and on November 15, 2016 an Administrative Search
44 Warrant was obtained to enter the house.

45

46 Findings from the inspection were recorded and pictures were taken. The house was so
47 dilapidated that it was not possible to walk safely from the front to the back of the house due to
48 structural defects. On November 29, 2016 a hearing was held with no parties of interest present.

1 The following day one of the members of the family owning the property appeared along with
2 his wife. They agreed to repair the house after obtaining full ownership. These individuals were
3 advised that the Findings of Fact and Order had already been mailed with a deadline of March 1,
4 2017 established to bring the property up to minimum housing code standards.

5
6 As of this date (March 21, 2017) no repairs have been made to the house. In a recent
7 conversation with the family members present after the hearing, they indicated that they were
8 still working on getting contractors to make repairs, even though they had not yet obtained full
9 ownership of the property. The expected cost to demolish the house is approximately \$5,500 plus
10 the cost to remove any asbestos found. Funding for demolition would come out of the Planning
11 Department budget. Staff recommends adoption of the Ordinance to demolish the substandard
12 structure.

13
14 Mayor Pro tem Wilson asked if any taxes were due. Mr. Gordon responded yes, there is about
15 \$2200 due. The last taxes were paid in 2012.

16
17 Council Member Jackson asked when a lien is placed on a property, does the City usually
18 collect. City Attorney Safrit responded that in accordance with state law, if taxes are not paid
19 within a ten-year period, the property is sold and the City would receive any liens due at that
20 time. If the property is not sold, the lien would go away.

21
22 Motion was made by Mayor Pro tem Wilson to approve the Ordinance to demolish the
23 substandard structure located at 619 South Harding Avenue. Motion was seconded by Council
24 Member Dayvault.

25
26 Mayor Hinnant recognized there were citizens in the audience who wanted to speak.

27
28 Debby Robbins of 619 South Harding told Council that she and her husband own the home. Both
29 are in the military and were never notified about anything. They are living temporary in a hotel
30 until the house can be repaired. She stated she spend \$2000 for an architect and is meeting with
31 tomorrow. Thereafter she will meet with an engineer and contractor. The house will be gutted
32 and renovated. She intends to pay the taxes next week. When she checked on the taxes, she was
33 given two different amounts. Mrs. Robbins told Council that she is a travel nurse and her
34 husband is in the military which causes them to move around a lot. His Mom passed in 2002 and
35 they have been on the go with his military and her nursing. However since they have moved back
36 she has gotten a job. She claims they did not know about the meeting until they tried to get
37 everything repaired. If the weather is good, it should take three months for completion.

38
39 Council Member Kincaid asked when did she first found out about this hearing. She responded
40 that she came back a couple of months ago and there was a paper on the door. She went and
41 talked to Tony Cline and he explained everything to her. They told Mr. Cline everything they
42 planned to do. She told him they were just beginning to work on the house and she was settling
43 into her new job. It wasn't a money factor, but getting the architect and engineer has been
44 difficult.

45
46 Council Member Dayvault said in the Staff Report, it says on November 29th a meeting was held
47 and no one showed up. On the next day, one of the members of the family owning the property
48 appeared along with his wife. Mr. Dayvault said since November 30th, you have been aware of

1 the situation. She said yes, they have been trying to get everything together. November is around
2 the holidays and trying to get an architect wasn't easy. Mr. Dayvault asked when she found out
3 about the taxes being due. She said it was around November or December she went onto the
4 office and asked how much were the taxes. She had gotten two different letters with two
5 different amounts. Mr. Dayvault said it concerns him that it's taken four months to get the taxes
6 paid. She explained she was not working at the time they came back and needed to find a place
7 to live temporarily.

8
9 James Robbins of 619 South Hardin Street stated that he graduated from AL Brown in 1978,
10 went into the military for 26 years and have come back home to rebuild the house where he used
11 to live. The street is named after his great-grandfather and they don't plan to sell the home, but
12 live in it.

13
14 Council Member Haas asked if they had full ownership of the property. Mr. Robbins said he will
15 pretty soon after he deals with a few more family members. Mr. Haas said that Mr. Robbins
16 couldn't move forward with the contractors and sign any valid work orders until you have full
17 ownership. Mr. Robbins said they do have ownership. The family members didn't want to be
18 bothered with the house and gave the house back to them. Mrs. Robbins said that the only family
19 members left is a few cousins and all she has to do is go and record it. She said the family
20 members sent a letter to Mr. Cline, but she doesn't know what the letter said.

21
22 Council Member Jackson asked "What are you asking for?" Mrs. Robbins stated to give enough
23 time so they can rebuild the house and live in it. Mr. Jackson asked how much time they need.
24 She said it takes three months to build a house and she plans to have papers showing ownership,
25 plans, a signed agreement with contractor and engineer to the City in a couple of weeks.

26
27 Mayor Pro tem Wilson asked Mrs. Robbins if she was going to pay the taxes tomorrow. She
28 replied she will on Friday. Mr. Wilson said it will show good faith to him if she pays the taxes.
29 She will take a paid receipt to Mr. Cline.

30
31 Council Member Haas asked the value of the home. Mr. Gordon said the tax records show
32 \$44,750.00.

33
34 Mayor Hinnant asked of Mrs. Robbins, were they going to do the construction themselves, or
35 hire a contractor? Mrs. Robbins said the architect firm does all that. Mayor Hinnant asked how
36 they intend to pay for all of the repairs. Do they have money in savings or plan to borrow the
37 money? Mr. Robbins said he would have not come back if it were not for this home. Mrs.
38 Robbins responded they have the money and are not borrowing it. Mayor Hinnant asked if three
39 months was long enough. Mr. Robbins interjected they need six months as there are some other
40 things he needs to take care of.

41
42 Mayor Hinnant said if it takes six months to repair, Council needs some commitments. 1) the
43 taxes have to be paid, 2) the ownership issue is resolved, 3) a signed agreement with a contractor
44 and engineer, and 4) show drawings or a plan. He cautioned the Robbins that if in six months,
45 everything has not been completed; there won't be any issue of going any further. Mr. Robbins
46 agreed. Mayor Hinnant asked again how much time do they need to get the building in their
47 name, taxes paid, building permits and a drawing or plans on what they plan to do. Mrs. Robbins

1 said less than a month, as she will have a drawing tomorrow. She will pay the taxes on Friday
2 and as far as the ownership, she may have to get a lawyer, so it may take 30 days.

3
4 Mayor Hinnant stated there is a motion on the floor to adopt an Ordinance demolishing the
5 substandard structure. He asked for the City Attorney's direction. City Attorney Safrit
6 responded that the parties who made the motion can withdraw their motion if so desired.

7
8 Mayor Pro tem Wilson made a motion to withdraw his motion to adopt the Ordinance. Council
9 Member Dayvault seconded the motion.

10
11 Mayor Pro tem Wilson made a motion to extend the matter 60 days in order for the Robbins to
12 get 1) the taxes have to be paid, 2) the ownership issue is resolved, 3) a signed agreement with a
13 contractor and engineer, and 4) show drawings or a plan. Council Member Dayvault seconded
14 the motion. The motion was approved by a 6-1 vote with Council Member Haas voting no.

15
16 Council Member Kincaid reiterated that if these things are not produced within 60 days, then
17 Council would take action to demolish the house.

18
19 **CITY MANAGER REPORT:** None

20
21 **CITY COUNCIL COMMENTS:** None

22
23 **SPEAKERS FROM THE FLOOR:**

24 Vickie Carpenter of 913 Brushwood Circle told Council she had two requests. One would be to
25 proclaim the week of May 15-21, 2017 as National Police Week. Also, on May 9th, there will be
26 eight of our KPD Bikers2DC who will be leaving to join fellow law enforcement officers for
27 their 500 mile ride to Washington DC. They will be riding in honor and remembrance of
28 Kannapolis Officer Roger Dale Carter and all of the other officers who have died in the line of
29 duty. Mrs. Carpenter said the need is financial support as the cost for food and lodging for each
30 officer is \$500.00. She personally set up a GOFUNDME account as a means to raise money for
31 their trip. So far \$1050 has been raised. Additionally, officers sold BBQ tickets as a way to raise
32 money. Mrs. Carpenter asked that the City consider funding the Bikers2DC as way to show
33 support for these officers and the Kannapolis Police Department. Mrs. Carpenter's second
34 request is that black and blue ribbons be hung on every pole in Kannapolis as a way to show
35 support. On Monday, May 15th 10:00 AM there will be a short ceremony in front of City Hall in
36 celebration of National Police Officers Week. Mayor Hinnant will read a proclamation
37 proclaiming the week of May 15 – 21, 2017 as National Police Week and Monday, May 15th as
38 Peace Officers Memorial Day. She invited everyone to come out and show their support.

39
40 Bobbi Hague of 1401 Brantley Road asked about the new housing for the seniors on Little Texas
41 Road. Do we know where we stand? There are senior citizens who want to move into an assistant
42 living facility. All she asks is that the City Manager or someone give her an update.

43
44 Mayor Hinnant asked Mr. Gordon to assist Ms. Hague. Mr. Gordon told Ms. Hague to call him
45 in the morning.

46
47 Robert Mueller of 1254 Carolyn Avenue wanted to address an ongoing problem. He told Council
48 that he brought his home in 1999 and after the third week they were in their home; the City has

1 done nothing but an immense amount of damage to their home and harassment. He then read a
2 lengthy prepared statement citing incidents and complaints stemming from 1999. Mayor Hinnant
3 interrupted Mr. Mueller and asked him what was he asking of Council. Mr. Mueller responded
4 that he wants the City and to stop harassing him and his family. He then said that his son lives
5 and owns property on a dead end street. There is no turn around and he can't physically park his
6 motorhome on the street. He got a letter from the Code Enforcement Officer, Tony Cline and
7 when his son called to address the issue, he was told you are Bob Mueller's son, that's why we
8 are doing this. The second thing is he was told that it was an anonymous letter dropped off at city
9 hall. When his son asked to see the letter, he was told it was an anonymous email, which
10 everyone knows you have to have an IP address. If parking on the street is such an issue he said,
11 there are 51 vehicles parked in yards, within a three block from Moose Road to Lane Street. 38
12 are out of code driveways and 4 repair shops in zoned residential areas. If you are going to
13 enforce an Ordinance, enforce it unilaterally. He asked that one City employee not take out a
14 vendetta out against one family. Mr. Mueller stated if the City wants to continue to harass him,
15 he will continue to do what they need to do. He feels it can stop here.

16
17 Mayor Hinnant asked that the City Manager, City Attorney and other staff necessary to work
18 through the issues he described and move forward.
19

20 **CLOSED SESSION:**

21 Mayor Pro tem Wilson made a motion to go into closed session pursuant to G.S. 143.318.11 (a)
22 (3) for consulting with an attorney in order to preserve the attorney-client privilege and G.S.
23 143.318.11 (a) (4) for discussing matters related to the location or expansion of industries or
24 businesses in the area. Motion was seconded by Council Member Kincaid and approved by
25 unanimous vote of Council Members present.
26

27 Council went into closed session at 7:20 PM.
28

29 Mayor Pro tem Wilson made a motion to come out of closed session. Motion was seconded by
30 Council Member Haas and approved by unanimous vote.
31

32 Council resumed regular session at 8:50 PM.
33

34 There being no further business, Council Member Dayvault made a motion to adjourn the
35 meeting. Motion was seconded by Council Member Kincaid and approved by unanimous vote.
36

37 The meeting adjourned at 8:50 PM on Monday, March 27, 2017.
38
39
40
41

42 _____
43 Bridgette Bell, MMC, NCCMC
City Clerk

Milton D. Hinnant
Mayor

**CITY OF KANNAPOLIS
COUNCIL MEETING MINUTES
April 24, 2017**

A regular meeting of the City Council of the City of Kannapolis, North Carolina was held on Monday, April 24, 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: Darrell Jackson
Roger Haas
Tom Kincaid
Doug Wilson
Ryan Dayvault
Dianne Berry

Council Members Absent: None

City Manager: Mike Legg

Deputy City Manager: Eddie Smith

City Attorney: Walter M. Safrit, II

Staff Present:	Zac Gordon	David Hancock
	Tony Eury	David Jordan
	Eric Davis	Terry Clanton
	Trent Marlow	Sherry Gordon
	Ernie Hiers	Rick Barnhardt
	Travis Furr	Hollie Morton
	Ashley Bare	Samantha Tumeikc
	Megan Baker	Gaspar Ruiz, Jr.

Visitors:	Allen Livengood	Mark Spitzer
	Robin Pope	Bobbi Hague
	Howard Boyle	Lester Sisk
	Shedrick Hall	Catherine Miller
	Jim Leopard	Mike Doyle
	Brian Rabon	

CALL TO ORDER AND WELCOME:

Mayor Hinnant called the meeting to order and welcomed those in attendance. A moment of silent prayer and the Pledge of Allegiance was led by Council Member Kincaid.

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.

1 **PROCLAMATIONS:**

2 Mayor Hinnant presented Fire Chief Ernie Hiers with a Proclamation proclaiming Thursday,
3 May 4, 2017 as International Fire Fighter Appreciation Day.

4
5 Mayor Hinnant presented the Kannapolis Telecommunicators with a Proclamation proclaiming
6 April 9-15, 2017 as Telecommuicator Appreciation Week.

7
8 **RECOGNITIONS:**

9 **Certificate of Achievement for Excellence in Financial Reporting – Eric Davis, Finance**
10 **Director**

11 The City of Kannapolis has received the Certificate of Achievement for Excellence in Financial
12 Reporting, for the 25th consecutive time. The certificate is awarded by the Government Finance
13 Officers Association of the United States and Canada. The honor recognizes the City's annual
14 financial report for its transparency and commitment to communicate the financial story of
15 Kannapolis. It also represents the highest form of recognition in the area of government
16 accounting and financial reporting. The City has received this award, which is independently
17 judged for the last 25 years.

18
19 **Excellence in Communication Award – Mike Legg, City Manager**

20 The City of Kannapolis was among 22 North Carolina local governments to earn recognition in
21 the Tenth North Carolina City & County Communicators' (NC3C) Excellence in
22 Communications. The awards were presented Thursday, April 6, 2017 at the NC3C's annual
23 Spring Conference in Charlotte during which the organization celebrated 10 years of existence.

24
25 The City of Kannapolis received a second place award for the city's "City Facilities Guides,"
26 designed to showcase rentable city facility options. "The guides are tools for one of our
27 economic development initiatives.

28
29 **APPROVAL OF MINUTES:**

30 Council Member Berry made motion to approve the March 13, 2017 Workshop Meeting
31 minutes. Mayor Pro tem Wilson seconded the motion and it was approved by unanimous vote of
32 Council Members present.

33
34 Council Member Haas made a motion to approve the March 13, 2017 Closed Session meeting
35 minutes. Council Member Kincaid seconded the motion and it was approved by unanimous vote
36 of Council Members present.

37
38 **CONSENT AGENDA:**

39 Council Member Dayvault made a motion to approve the Consent Agenda. Mayor Pro tem
40 Wilson seconded the motion and it was approved by unanimous vote of Council Members
41 present.

42
43 Budget Amendment for Purchase of Fire Station Land (Eric Davis, Finance Director) (Copy
44 included as Exhibit A)

45
46 **BUSINESS AGENDA:**

Public Hearing - CDBG Program Funds FY 2017-18 (July 1, 2017 - June 30, 2018) (Sherry Gordon, Community Development Program Administrator) (Copy included as Exhibit B)

Mrs. Gordon reported that 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.

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:

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

There were no questions by Council Members.

Mayor Hinnant opened the public hearing to those in attendance for an opportunity to speak. There being no speakers, Mayor Hinnant closed the public hearing.

Council Member Dayvault made a motion to approve the FY2017-2018 Annual Action Plan. Motion was seconded by Mayor Pro tem Wilson and approved by unanimous vote.

Public Hearing – TA-2017-01 - 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) (Copy included as Exhibit C)

Mr. Gordon explained that 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

1 to adhere to setback standards that has changed since a development was approved, would result
2 in hardship for the property owner, as they would be held to a "higher standard" than other
3 lots in the same development that were laid out in conformance with an approved Preliminary
4 Plat. Setbacks are set during the preliminary plat phase (the first step in the subdivision process).
5 Once a preliminary plat is approved, it can be difficult to change the lot layout, especially if
6 infrastructure such as roads and utilities has already been constructed. Requiring a developer to
7 change setbacks on a final plat when setbacks have been changed in the UDO places undue
8 difficulty and hardship on the developer.

10 The proposed text amendment would permit a parcel to be developed in compliance with
11 setbacks that were shown on a preliminary plat approved prior to a change in dimensional
12 standards for subsequent final plats. Staff believes this amendment will add certainty to the
13 development process as the City looks at revising the UDO over the next few years. This
14 amendment will also allow property owners to use their property as approved by the City, even if
15 setback standards have changed.

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

19 **4.7 DIMENSIONAL AND DENSITY REGULATIONS.**

20 **4.7.5 DIMENSIONAL STANDARDS FOR STRUCTURES.**

21 **4.7.5.1 Setbacks.**

23 **4.7.5.1.1** Setbacks for buildings or structures are measured as the area between the furthestmost
24 projection of a principal structure and the property line of the lot on which the structure is
25 located, except as modified by the standards of this Section. Setbacks shall be unobstructed from
26 the ground to the sky except as specified in this Section. Building setbacks for each zoning
27 district are set forth in Table 4.7-1.

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

33 Staff recommends approval of the proposed text amendment to Article 4 Zoning Districts and
34 Dimensional Regulations, Section 4.7.5 of the Unified Development Ordinance (UDO), as
35 presented. Based on the forgoing analysis, Staff recommends approval of the proposed text
36 amendment to Article 4, Section 4.7.5.1.1 of the UDO as presented.

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

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

43 There were no questions from Council.

45 Mayor Hinnant then opened the public hearing to those in attendance for an opportunity to speak.
46 There being no speakers, Mayor Hinnant closed the public hearing.

48 Council Member Kincaid made a motion to approve the Statement of Consistency as follows:

1 *“That the City Council finds the text amendment as represented in Case TA-2017-01 to be in the*
2 *public interest, reasonable and consistent with the 2015 City of Kannapolis Land Use Plan*
3 *adopted by the City Council, and is therefore recommended for approval by the City Council*
4 *based on consideration of the application materials, information presented at the Public*
5 *Hearing, and the recommendations provided by Staff”.* The motion was seconded by Council
6 Member Haas and approved by unanimous vote.

7
8 Council Member Jackson made a motion to approve an Ordinance amending the text for Article
9 4 Zoning Districts and Dimensional Regulations, Section 4.7.5 Dimensional Standards for
10 Structures of the Unified Development Ordinance (UDO), regarding setbacks for preliminary
11 plats approved prior to a change in dimensional standards. Motion was seconded by Council
12 Member Dayvault and approved by unanimous vote.

13
14 **Public Hearing – TA-2017-02 - Text Amendment to Article 11 Site Design Standards,**
15 **Section 11.6 Supplemental Design Standards for Campus Development (CD) District,**
16 **Section 11.6.3 Design Standards, of the Unified Development Ordinance, concerning access**
17 **to Campus Development projects (Zachary D. Gordon, AICP, Planning Director) (Copy**
18 **included as Exhibit D)**

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

26
27 The proposed text amendment would permit any use in the CD zoning district which is not
28 classified as a Professional Office/Business Services or Retail Trade use, to be permitted to have
29 access on interior streets, thoroughfares, or collectors. The intent of this amendment is to
30 separate retail traffic, which tends to have a higher amount of trip turnover throughout the day
31 from more employment based uses, such as manufacturing which tend to have trips clustered at
32 limited times throughout the day.

33
34 The proposed text amendments to the UDO for Article 11, Section 11.6.3 are shown as
35 underline additions below:

36
37 **11.6. SUPPLEMENTAL DESIGN STANDARDS FOR CAMPUS DEVELOPMENT (CD)**
38 **DISTRICT.**

39
40 **11.6.3. DESIGN STANDARDS**

41
42 **11.6.3.6.** All building sites and/or buildings within any Campus Development
43 project classified as a Professional Office/Business Services or Retail Trade Use as shown in
44 Table 4.6-1 of this Ordinance shall be accessed on interior streets, not on thoroughfares or
45 collectors. Exception to this provision is offered where a lot of record exists at the time of this
46 amendment. All other permitted uses within any Campus Development Project may have access
47 on interior streets, thoroughfares or collectors.
48

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

3
4 **The following actions are required for approval of TA 2017-02:**

- 5 1. Consider Resolution to Adopt a Statement of Consistency;
6 2. Consider motion to Adopt an Ordinance to amend text of UDO, Article 11, Section 11.6.3

7
8 Council Member Jackson asked if Zaxby's would be an example. Mr. Gordon responded it
9 would as there is a side street and is not considered a collector street, and met the requirements
10 of having access off an interior street, not a collector.

11
12 Mayor Hinnant then opened the public hearing to those in attendance for an opportunity to speak.
13 There being no speakers, Mayor Hinnant closed the public hearing.

14
15 Council Member Haas made a motion to approve the Resolution adopting a Statement of
16 Consistency as follows: *"That the City Council finds the text amendment as represented in*
17 *Case TA-2017-02 to be in the public interest, reasonable and consistent with the 2015 City of*
18 *Kannapolis Land Use Plan adopted by the City Council, and is recommended for approval by*
19 *the City Council based on consideration of the application materials, information presented at*
20 *the Public Hearing, and the recommendation provided by Staff"*. Motion was seconded by Mayor
21 Pro tem Wilson and approved by unanimous vote.

22
23 Council Member Dayvault made a motion to adopt an Ordinance amending Article 11 Site
24 Design Standards, Section 11.6 Supplemental Design Standards for Campus Development (CD)
25 District, Section 11.6.3 Design Standards, of the Unified Development Ordinance, concerning
26 access to Campus Development projects. Motion was seconded by Council Member Kincaid and
27 approved by unanimous vote.

28
29 **Public Hearing – TA-2017-03 – Amendment to Appendix C Design Standards for Streets**
30 **and Utilities, Section C.7 Standard Details and Cross-Section Drawings, of the Unified**
31 **Development Ordinance, removing the standard details and cross-sections drawings and**
32 **locating them in the Office of the Zoning Administrator and the Office of the Director of**
33 **Public Works (Zachary D. Gordon, AICP, Planning Director) (Copy included as Exhibit E)**

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

41
42 The proposed text amendment would remove the standard details and cross-section drawings and
43 place them under the jurisdiction of the Department of Public Works. By removing these
44 drawings from the UDO, the revision process of new-sections would be streamlined by not
45 requiring an amendment to the UDO.

46
47 Proposed text amendments to the UDO for Appendix C, are underline additions below and red
48 X's as deletions:

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

2 **C.7.1. General Standards.** Standard details and cross-section drawings for streets shall conform
3 to the most current adopted version of standard details and cross-section drawings. A copy of
4 these details and drawings is available at the office of the Administrator or the office of the
5 Public Works Director.
6

7 Based on the foregoing analysis, Staff recommends approval of the proposed text amendment
8 to Appendix C, Section C.7.1 of the UDO, as presented.
9

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

- 11 1. Consider Resolution to Adopt a Statement of Consistency;
12 2. Consider motion to Adopt an Ordinance to amend text of UDO, Appendix C, Section C.7.
13

14 Council Member Haas noted that he was part of the UDO process back in 2000 and in the
15 beginning when the UDO was created; it was a wonderful idea that all municipalities in the
16 county would use the same standards. However, it was one of those things that sounded
17 wonderful, but in reality is just doesn't work. It is obvious by the number of changes to the
18 UDO. It is his hope with the revision of the UDO; it will be taken under consideration the
19 differences between municipalities and counties.
20

21 Mr. Gordon replied there will be opportunities for input and will be lengthy process. The City
22 Attorney knows that you are essentially writing development laws and a lot of people don't
23 realize that the UDO is a guide book for development and nothing happens in the City that is
24 inconsistent with the guide book.
25

26 Council Member Dayvault commented he is very happy that steps are now being taken in the
27 short term, to fix some of the problems and clear up issues associated with the UDO as we work
28 toward a Kannapolis Development Ordinance. He also hopes that Kannapolis will become more
29 business friendly and open. The revision of the Ordinance will become clearer to developers and
30 business owners and they will know what to expect. He thanked Mr. Gordon for his work.
31

32 Mayor Hinnant then opened the public hearing to those in attendance for an opportunity to speak.
33 There being no speakers, Mayor Hinnant closed the public hearing.
34

35 Council Member Berry made a motion to approve the Resolution adopting a Statement of
36 Consistency as follows: *"That the City Council finds the text amendment as represented in*
37 *Case TA-2017-03 to be in the public interest, reasonable and consistent with the 2015 City of*
38 *Kannapolis Land Use Plan adopted by the City Council, and is recommended for approval by*
39 *the City Council based on consideration of the application materials, information presented at*
40 *the Public Hearing, and the recommendation provided by Staff".* Motion was seconded by
41 Council Member Dayvault and approved by unanimous vote.
42

43 Council Member Haas made a motion to adopt an Ordinance amending the UDO Appendix C
44 Design Standards for Streets and Utilities, Section C.7 Standard Details and Cross-Section
45 Drawings, of the Unified Development Ordinance, removing the standard details and cross-
46 sections drawing and locating them in the Office of the Zoning Administrator and the Office of
47 the Director of Public Works. Motion was seconded by Council Member Kincaid and approved
48 by unanimous vote.

1 **Resolution approving Construction Manager at Risk Contract (CMAR) for Fire Station #2**
2 **and Fire Station #3 (Ernie Hiers, Fire Chief) (Copy included as Exhibit F)**

3 Fire Chief Hiers explained that in January Request for Qualifications for Construction Manager
4 at Risk (CMAR) was advertised followed up with a pre-proposal conference and written
5 submittals were received on February 8, 2017. Following interviews, it was determined that
6 Monteith Construction Corporation was the top ranked CMAR firm. An agreement has been
7 negotiated with Monteith Construction and it is Staff's recommendation that Council adopt a
8 Resolution finding that the use of construction manager at risk services is in the best interest for
9 the construction of Fire Station #2 and Fire Station #3. The Resolution also authorizes the City
10 Manager to execute the CMAR contract with Monteith Construction Corporation for
11 preconstruction and construction services for the construction of Fires Stations #2 and #3.

12
13 Chief Hiers introduced Mike Dole and Jim Leopard of Monteith Construction Corporation for an
14 overview of their company.

15
16 City Attorney Safrit clarified that as part of the pre-construction services, the parties are to set
17 forth a guaranteed maximum price.

18
19 Mayor Pro tem Wilson made a motion to approve a Resolution approving Construction Manager
20 at Risk Contract (CMAR) for Fire Station #2 and Fire Station #3. Council Member Berry
21 seconded the motion and it was approved by unanimous vote.

22
23 **Amendment to the Waste Management Contract Returning Yard Waste Collection**
24 **Services to the City (Mike Legg, City Manager) (Copy included as Exhibit G)**

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

31
32 Therefore, effective October 1, 2017, the City of Kannapolis will be assuming responsibility of
33 all yard waste collection services should Council approve this contract amendment.

34
35 The cost for providing the services is included in the FY 2018 Budget that will be presented to
36 City Council for approval. This service will include the hiring of five (5) new staff members as
37 well as the purchase of four (4) leaf machines, two (2) boom trucks, one (1) rear-loader and one
38 (1) pick-up truck. Funds necessary to bring this service in house will be contained within the
39 amount currently allocated for these services in Waste Management's contract.

40
41 Council Member Dayvault commended it is time for the City to increase its level of service and
42 by bringing yard waste in house will do just that.

43
44 Council Member Jackson made a motion to approve an amendment to the Waste Management
45 Contract and authorize the City Manager to execute the contract. Council Member Dayvault
46 seconded the motion and it was approved by unanimous vote.

Public Hearing - Minimum Housing Code Violation - 512 Murphy Street Extension (Zachary D. Gordon, AICP, Planning Director) (Copy included as Exhibit H)

Mr. Gordon reviewed a timeline of events.

- December 5, 2016 – Minimum Housing code case opened
- December 19, 2016 – Public hearing on code violation held, with notice mailed to interested parties
- March 19, 2017 – Deadline to repair or demolish structure
- April 24, 2017 – No change in property status

The cost to remove dilapidated structures is estimated to be approximately \$3,500 (plus asbestos removal). Funds for demolition to come from Planning Department budget. It is recommended that Council adopt an Ordinance to demolish the substandard structure located at 512 Murphy Street Extension.

There being no questions from Council, Mayor Hinnant opened the public hearing to those in attendance for an opportunity to speak. There being no speakers, Mayor Hinnant closed the public hearing.

Council Member Dayvault made a motion to approve an Ordinance to demolish the substandard structure located at 512 Murphy Street Extension. Motion was seconded by Council Member Berry and approved by unanimous vote.

Public Hearing - Minimum Housing Code Violation 1519 Lydia Street (continued from January 23, 2017 City Council meeting) (Zachary D. Gordon, AICP, Planning Director) (Copy included as Exhibit I)

Mr. Gordon provided a timeline of events.

- August 22, 2016 - staff recommended adoption of ordinance to demolish existing structure. City Council deferred action until October 10, 2016 based on representation by property owner that improvements would be made to address code violations.
- October 10, 2016 – City Council deferred action until January 23, 2017
- January 23, 2017 – City Council deferred action until April 24, 2017
- April 24, 2016 - Structure still lacks electrical, water service and HVAC, but is otherwise in stable condition

Cost to demolish house is estimated to be approximately \$4,000 (plus asbestos removal). Funds for demolition to come from Planning Department budget.

Mr. Gordon commented that he should remove the word “dilapidated” due to the fact that it is structurally sound and is not a nuisance. There are other structures in worse shape we need to prioritize. The recommendation would be to not do anything with it immediately.

There were no questions by Council Members.

Mayor Hinnant opened the public hearing to those in attendance for an opportunity to speak. There being no speakers, Mayor Hinnant closed the public hearing.

1 Mayor Pro tem Wilson made a motion to delay action until such time that the structure becomes
2 structurally unsound and a public nuisance. Council Member Dayvault seconded the motion and
3 it was approved by unanimous vote.

4
5 **Public Hearing - Non-residential Building Code Violation - 1520 Lydia Street**
6 **(continued from January 23, 2017) (Zachary D. Gordon, AICP, Planning Director)** (Copy
7 included as Exhibit J)

8 Mr. Gordon provided a timeline of events.

- 9
- 10 • May 23, 2016 - Staff recommended demolition of non-residential structure at 1520 Lydia
 - 11 Street. Council voted to defer action until August 22, 2016.
 - 12 • August 22, 2016 – Council voted to defer action until October 10, 2016. Property owner
 - 13 had previously demolished all but framework for structure.
 - 14 • October 10, 2016 – Council voted to defer action until January 23, 2017.
 - 15 • January 23, 2017 – Council voted to defer action until April 24, 2017.
 - 16 • April 24, 2017 - No further action taken to remove remaining structure framework.
- 17

18 Mr. Gordon said that the owner (or someone that controlled the property) indicated they were
19 trying to find a use for the building; however, that has not materialized. Since April 24, 2017, no
20 further action has been taken to remove the remaining structure framework. It is the
21 recommendation of Staff to adopt an Ordinance demolishing the substandard non-residential
22 structure located at 1520 Lydia Street.

23
24 Mayor Pro tem Wilson asked Mr. Gordon if he had heard from Mr. Brown. Mr. Gordon
25 responded that he has not spoken with Mr. Brown; however, Tony Cline occasionally hears from
26 him, but Mr. Brown has not been forthcoming.

27
28 Mayor Hinnant opened the public hearing to those in attendance for an opportunity to speak.
29 There being no speakers, Mayor Hinnant closed the public hearing.

30
31 Council Member Dayvault made a motion to adopt an Ordinance demolishing the substandard
32 non-residential structure located at 1520 Lydia Street. Motion was seconded by Council Member
33 Kincaid and approved by unanimous vote.

34
35 **CITY MANAGER REPORT:**

36 NC Rail Road will be putting eight new locomotives into service and will be named after
37 municipalities. One is being named Kannapolis #1984 which is the date of the City's
38 incorporation. More details forthcoming on a planned trip to Raleigh to participate in the
39 christening ceremony.

40
41 **CITY COUNCIL COMMENTS:**

42 Mayor Pro tem Wilson noticed over the past couple of months, that the media has become less
43 and less present. At one time, the only way the citizens got information was through the
44 newspaper. He thought this was a good way to communicate to the public and wondered if there
45 any other means to disseminate information. Mr. Legg said it is a changing environment and the
46 printing of newspaper is not as a profitable business as once before. The Independent Tribune
47 has downsized their staff to very minimal.

1 Council Member Haas commented that as Staff gets smaller they love to receive Staff reports
2 from Communications Directors. In Sunday's paper, he counted 14 articles on the Cabarrus
3 County/Kannapolis City Schools and every one of them said "From Staff Reports". They can
4 use the reports without anyone actually covering the meetings. Mr. Legg noted that the City is
5 doing more media communication as a means of getting the word out.

6
7 **SPEAKERS FROM THE FLOOR:**

8 Bobbi Hague of 1401 Brantley Road on behalf of the National Crime Victims' Rights Week
9 presented to Mayor Darrell Hinnant a Certificate of Appreciation for outstanding service on
10 behalf of crime victims.

11
12 Ms. Hague told Council that a month ago; she came to Council and asked a question about the
13 apartments for seniors that were supposed to be built. She was told to contact the Planning
14 Director. After two weeks of no response, she spoke to the City Manager and within a couple of
15 hours, she had an answer. She feels that she should not have had to wait two weeks to get an
16 answer. With her experience, she wonders if the people who say they can't get a response from
17 the Planning Department are really telling the truth; that they aren't being heard and not getting
18 what they need.

19
20 Ms. Hague mentioned that she had relatives come into town recently. They loved Kannapolis and
21 mentioned how it is such a beautiful City, but wondered why there is such a mess at the old train
22 Depot. The day her relatives came to Kannapolis, there were black bags stacked around the old
23 Depot and asked if any kind of screening could be put up so that our City would look nice all the
24 way through. She is disappointed that the City cannot do anything with the railroad to make them
25 beautify that area.

26
27 **CLOSED SESSION:**

28 Mayor Pro tem Wilson made a motion to go into closed session pursuant to G.S. 143.318.11 (a)
29 (3) for consulting with an attorney in order to preserve the attorney-client privilege and G.S.
30 143.318.11 (a) G.S. 143.318.11 (a) (4) for discussing matters related to the location or expansion
31 of industries or businesses in the area. Motion was seconded by Council Member Kincaid and
32 approved by unanimous vote of Council Members.

33
34 Council went into closed session at 7:10 PM.

35
36 Mayor Pro tem Wilson made a motion to come out of closed session. Motion was seconded by
37 Council Member Dayvault and approved by unanimous vote of Council Members present.

38
39 Council resumed regular session at 8:00 PM.

40 There being no further business, Council Member Haas made a motion to adjourn the meeting.
41 Motion was seconded by Council Member Berry and approved by unanimous vote.

42
43 The meeting adjourned at 8:00 PM on Monday, April 24, 2017.

44
45
46
47 _____
48 Bridgette Bell, MMC, NCCMC
City Clerk

Milton D. Hinnant
Mayor



**City of Kannapolis
City Council Meeting
May 22, 2017
Staff Report**

TO: Mayor and City Council
FROM: Wilmer Melton, III - Director of Public Works
TITLE: Northwest Service District Elevated Tank Bid Award

A. Action Requested by City Council

Motion to award the Northwest Service District Elevated Tank to the lowest responsible bidder, Phoenix Fabricators, in the amount of \$1, 356,033.00 and have City Manager execute contract.

B. Required Votes to Pass Required Action

Majority present at meeting

C. Background

The Project features the elevated tank portion of the Northwest Service District infrastructure. Base bids were accepted for a 500,000-gallon spheroid style tank, with alternate bids for a 300,000-gallon spheroid tank. Bids were received on April 13, 2017 for the Project. A total of three (3) bids were received as follows:

	Base Bid	Alternate Base
<u>Contractor</u>	<u>500,000-gallon Tank</u>	<u>300,000-gallon Tank</u>
Phoenix Fabricators	\$1,356,033.00	\$1,174,994.00
Caldwell Tanks	\$1,433,000.00	\$1,159,000.00
CB&I, Inc.	\$1,653,000.00	No Bid

D. Fiscal Considerations

The budget for the elevated tank was \$918,000; however, the budget was originally developed for a 300,000-gallon multi-leg tank. During the design of the elevated storage tank, it was determined that the 300,000-gallon tank would not meet the future demands of the Northwest District service area; therefore, we had to increase the size to a 500,000-gallon storage tank to satisfy future demand.

The cost difference of \$438,033.00 will be funded from the Project budget upon issuance of debt service.

E. Policy Issues

Council approval is required for City Manager to execute a contract in this amount.

F. Legal Issues

None

G. Alternative Courses of Action and Recommendation

1. **Approve the motion to award the Northwest Service District Elevated Tank to the lowest responsible bidder, Phoenix Fabricators, in the amount of \$1, 356,033.00 and have City Manager execute contract. (Recommended)**
2. Reject award of the Northwest Service District Elevated Tank to the lowest responsible bidder, Phoenix Fabricators, in the amount of \$1, 356,033.00. This action would delay water service to the northern portion of the Northwest Cabarrus Service District as well as the Wayne Brothers site.

H. Issue Reviewed By

Bridgette Bell, Eddie Smith, Eric Davis, Mike Legg, Wilmer Melton

ATTACHMENTS:

File Name

- ❏ Certified_Bid_Tab_-_NW_Service_District_Elevated_Tank.pdf
- ❏ Western_Area_Water_and_Tank_Map.pdf



Engineering
Landscape Architecture
Planning

April 21, 2017

Mr. Wilmer Melton, III
City of Kannapolis
401 Laureate Way
Kannapolis, NC 28081

Re: Northwest Service District, Contract 3 – Elevated Storage Tank
Recommendation to Award

Dear Mr. Melton:

Bids were received for the above-referenced project on Thursday, April 13th, 2017. This contract features the elevated tank portion of the Northwest Service District infrastructure. Bids were accepted for a 500,000-gallon spheroid style tank, with alternate bids for a 300,000-gallon spheroid tank.

Three bids were accepted as summarized below:

CONTRACTOR	LOCATION	Base Bid 500,000-gal tank	Alternate Bid 300,000-gal tank
Phoenix Fabricators	Avon, Indiana	\$1,356,033.00	\$1,174,994.00
Caldwell Tanks	Louisville, Kentucky	\$1,433,000.00	\$1,159,000.00
CB&I, Inc.	Alpharetta, Georgia	\$1,653,000.00	No Bid

The budget for the elevated tank was \$918,000; however, the budget was originally developed for a 300,000-gallon multi-leg tank. During design development, City staff and our staff felt a spheroid-style tank would be a better fit for the area. In addition, the growth potential of the Northwest Service District indicates a 500,000-gallon tank would be more appropriate.

The general rule for water storage requires that half of the average daily usage volume be available in storage. Using the calendar year 2016 average usage for the service district, plus the expected build-out demand of Concrescere Park, we can calculate an available usage based on the storage volume of a 500,000-gallon and 300,000-gallon tank. That available usage can be converted to rooftops based on average consumption per residential unit, and the results are as follows:

Tank Size	New Houses that could be served
500,000 gallons	4,130 houses
300,000 gallons	1,880 houses

(The calculation uses a 10% reserve for commercial usage in the service area.)

The low bidder for the 500,000-gallon tank is Phoenix Fabricators from Avon, Indiana. Our team has worked with Phoenix Fabricators on multiple occasions throughout our careers, and we find them to be a reputable contractor capable of completing the construction in a clean and timely fashion. We have discussed the project and their bid with Phoenix Fabricators, and they are comfortable with the project at their bid price. If the City's decision is to award the 500,000-gallon tank, LKC recommends the award be made to Phoenix Fabricators for the low bid amount of \$1,356,033.00

Consideration should be given to awarding the tank before the property is secured in the City's ownership. We recommend consulting with the City Attorney for advice on specific language that may need to be added to the contract award, and for procedures for contract execution as it relates to the property.

Attached to this recommendation is a Bid Tabulation showing detailed results of the bid. If you have any questions, please do not hesitate to contact us at (910) 420-1437 or by email at adam@lkcengineering.com.

Sincerely,
LKC Engineering, PLLC



Adam P. Kiker, P.E.

SUMMARY OF BID OPENING

Bid Opening - April 13, 2017 @ 2:00 p.m.

Northwest Service District, Contract 3 - Elevated Tank

City of Kannapolis

LKC Project No.: Kann-16.01

CONTRACTOR	ADDRESS	License Number	Base Bid	Alternate Bid
Phoenix Fabricators	Avon, Indiana	21640	\$1,356,033.00	\$1,174,994.00
Caldwell Tanks	Louisville, Kentucky	2508	\$1,433,000.00	\$1,159,000.00
CB&I, Inc.	Alpharetta, Georgia	15262	\$1,653,000.00	No Bid

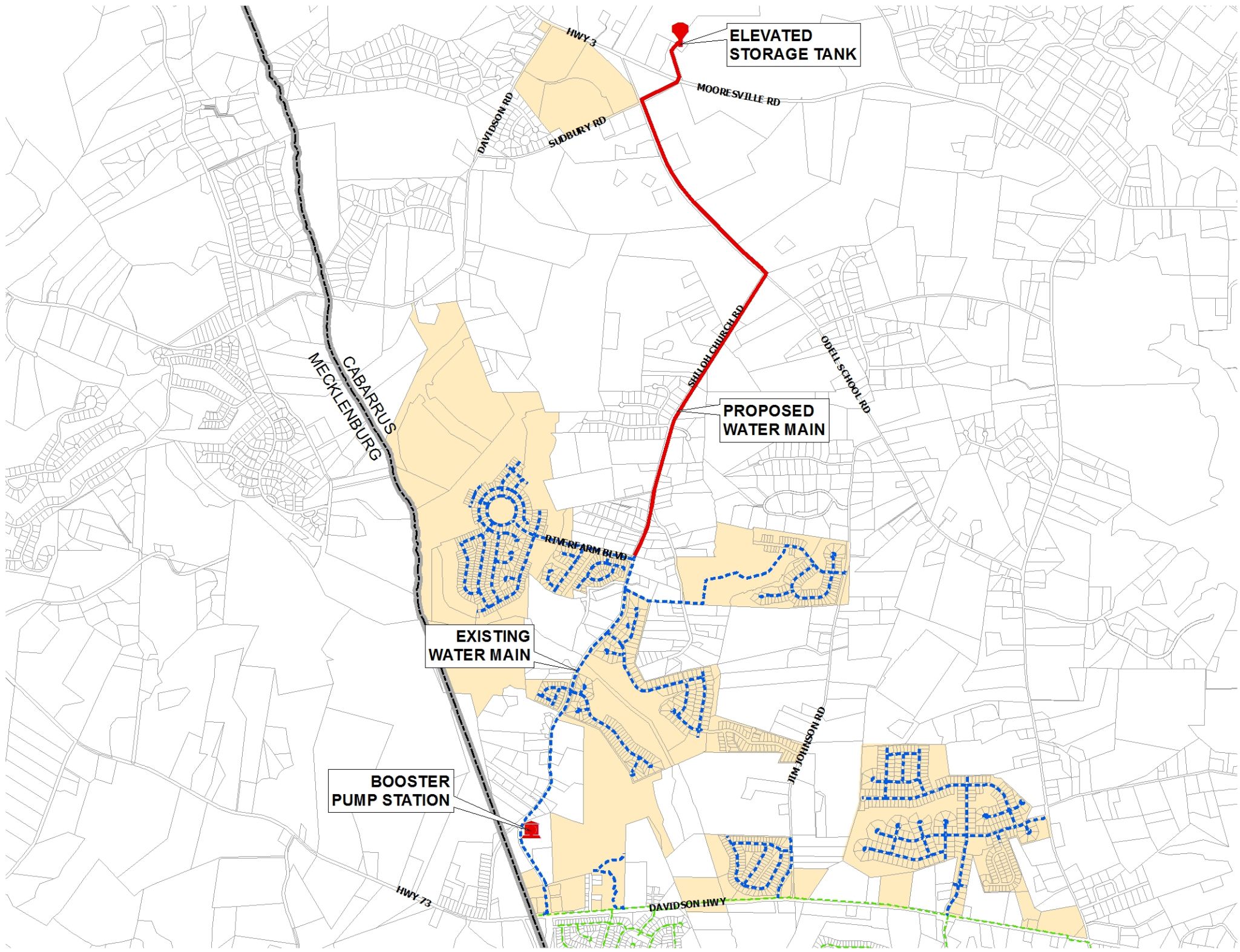
By:



Date:

4/17/2017

LKC





**City of Kannapolis
City Council Meeting
May 22, 2017
Staff Report**

TO: Mayor and City Council
FROM: Mike Legg, City Manager
TITLE: City Manager's Recommended FY 2017-18 Budget

A. Action Requested by City Council

None. Presentation and discussion only.

B. Required Votes to Pass Required Action

Presentation Only, no action required

C. Background

A copy of the recommended budget for the Fiscal Year beginning July 1, 2017 and ending June 30, 2018 will be presented to City Council at Monday night's meeting. The City Manager will lead the discussion and respond to questions. Council Members may also consider the need to set additional budget workshop meetings at this time.

D. Fiscal Considerations

None.

E. Policy Issues

None.

F. Legal Issues

None.

G. Alternative Courses of Action and Recommendation

Presentation and discussion only. No action required.

H. Issue Reviewed By

Annette Privette Keller, Bridgette Bell, Eddie Smith, Eric Davis

ATTACHMENTS:

File Name

No Attachments Available



**City of Kannapolis
City Council Meeting
May 22, 2017
Staff Report**

TO: Mayor and City Council
FROM: Mike Legg, City Manager
TITLE: Resolution Directing the Filing of the Fiscal Year 2017-2018 Budget and Calling for a Public Hearing

A. Action Requested by City Council

Motion to approve a Resolution directing the filing with the City Clerk of the budget estimate for Fiscal Year 2017-2018 and call for a public hearing.

B. Required Votes to Pass Required Action

Majority present at meeting

C. Background

A Public Hearing on the Recommended Budget for Fiscal Year Beginning July 1, 2017 and Ending June 30, 2018 has been scheduled for 6:00 P.M. on June 12, 2017. State law requires that ***"before adopting the Budget Ordinance, the Board shall hold a public hearing at which time any persons who wish to be heard on the budget may appear"*** (G.S.159-12) (b).

A copy of the recommended budget was presented to City Council on May 22, 2017 and is available for public inspection at the City of Kannapolis Administration Offices as well as the City of Kannapolis website www.kannapolisnc.gov. Notice of the public hearing is scheduled to be published in the *Independent Tribune* on Friday, June 2, 2017.

D. Fiscal Considerations

None

E. Policy Issues

None

F. Legal Issues

None

G. Alternative Courses of Action and Recommendation

State law requires that ***"before adopting the Budget Ordinance, the Board shall hold a public hearing at which time any persons who wish to be heard on the budget may appear"*** (G.S.159-12) (b).

H. Issue Reviewed By

ATTACHMENTS:

File Name

- ☐ Resolution_calling_for_public_hearing.pdf
- ☐ Notice_PH_Budget.pdf

**RESOLUTION DIRECTING THE FILING WITH
THE CITY CLERK OF THE BUDGET ESTIMATE
FOR THE FISCAL YEAR 2017-2018
AND CALLING A PUBLIC HEARING THEREON**

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Kannapolis, North Carolina:

SECTION 1. The budget estimate of the City of Kannapolis for the fiscal year beginning July 1, 2017, which on this day May 22, 2017 was submitted to the City Council, is hereby ordered filed with the City Clerk where it shall remain for public inspection for at least ten days from this date.

SECTION 2. A copy of said budget estimate shall be made available to the news media in the county.

SECTION 3. This Resolution shall be published in at least one newspaper published in the county and shall serve as notice that the budget estimate has been presented to the City Council, that a copy of same is on file for public inspection at the City Administration Offices located at 401 Laureate Way, Kannapolis, North Carolina as well as the City of Kannapolis website. www.kannapolisnc.gov. Notice of the time and place of the public hearing as set forth below.

SECTION 4. A public hearing shall be held by the City Council at the Kannapolis City Hall Council Chambers located at 401 Laureate Way, Kannapolis, North Carolina, on June 12, 2017, 6:00 P.M., or as soon thereafter as the matter may be heard at which time any persons who wish to be heard on the budget may appear.

SECTION 5. 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@kannapolisnc.gov*** as soon as possible but no later than 48 hours before the scheduled event.

Adopted this 22nd day of May 2017.

Milton D. Hinnant, Mayor

Bridgette Bell, MMC, NCCMC
City Clerk



**CITY OF KANNAPOLIS AVAILABILITY OF THE
RECOMMENDED BUDGET FOR THE FISCAL YEAR
BEGINNING JULY 1, 2017 AND ENDING JUNE 30, 2018
AND NOTICE OF A PUBLIC HEARING THEREON**

SECTION 1. The recommended budget of the City of Kannapolis for the fiscal year beginning July 1, 2017 was this day May 22, 2017 submitted by the City Manager to the City Council, and filed with the City Clerk where it shall remain for public inspection for at least ten days from this date.

SECTION 2. A copy of said budget shall be made available to the news media in the county.

SECTION 3. This Notice shall be published in at least one newspaper published in the county and shall serve as notice that the recommended budget has been presented to the City Council, that a copy of same is on file for public inspection at the Kannapolis City Hall Administration Offices located at 401 Laureate Way, Kannapolis, North Carolina, as well as the City of Kannapolis website www.kannapolisnc.gov. Notice of the time and place of the public hearing as set forth below.

SECTION 4. A public hearing shall be held by the City Council at the Kannapolis City Hall Council Chambers located at 401 Laureate Way, Kannapolis, North Carolina, on Monday, June 12, 2017 at 6:00 P.M., or as soon thereafter as the matter may be heard, at which time any persons who wish to be heard on the budget may appear.

SECTION 5. 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@kannapolisnc.gov*** as soon as possible but no later than 48 hours before the scheduled event

Bridgette Bell, MMC, NCCMC
City Clerk

Publish June 4, 2017



**City of Kannapolis
City Council Meeting
May 22, 2017
Staff Report**

TO: Mayor and City Council
FROM: Zachary D. Gordon, Planning Director
TITLE: Voluntary Annexation of Property - Gully Street

A. Action Requested by City Council

- 1) MOTION to direct the City Clerk to certify sufficiency of the Annexation Petition.**
- 2) MOTION to adopt a Resolution setting a public hearing date on approximately 1.1 +/- acres on Gully Street (PIN 5603593567; 5603592493)**

B. Required Votes to Pass Required Action

Majority present at meeting

C. Background

Glenda D. Smith has submitted a petition for the voluntary annexation of approximately 1.1 +/- acres located on Gully Street (an unimproved platted street). The property is currently located in an unincorporated portion of Cabarrus County in an area identified as the “Western Planning Area” of the County’s long-range plan. Both parcels are vacant and have a Cabarrus County zoning designation of LDR – Low Density Residential. This annexation request is being made due to the need for public utilities to serve the site, which the County does not offer.

The request for annexation is considered a “satellite” annexation, since the property does not adjoin property located within the City’s current corporate limits (see Annexation Map).

As is required by the North Carolina General Statutes, an initial City of Kannapolis zoning designation will be applied to the property by the Planning and Zoning Commission within 60 days of the effective date of the annexation.

D. Fiscal Considerations

None

E. Policy Issues

The property is located in an unincorporated area of Cabarrus County that is currently zoned LDR, with a 2 acre required minimum lot size. While this property is located outside of the City's corporate limits, it is within an area designated as "Proposed Kannapolis Growth Area", in an "Annexation Agreement" between the City of Kannapolis and City of Concord (see attached). According to the City's current long range planning document - ***City of Kannapolis 2015 Land Use Plan*** - the following policy statements should be considered in support of this annexation:

- "Within identified future growth areas, the City may pursue extension of water, sewer or other proprietary interests outside the city limits."
- "Annexation should be heavily scrutinized to determine that such expansion is appropriate based on substantial availability of all public services."
- "Due to the proactive infrastructure planning by current and past City Council's, water and sewer service will be available on demand in sufficient capacities to serve typical development needs."

F. Legal Issues

Prior to considering the annexation ordinance, pursuant to NCGS 160A-31, the City Council must first direct the City Clerk to investigate and certify the sufficiency of the petition and set a public hearing for consideration of the petition. It is requested that the public hearing date be set for June 26, 2017.

G. Alternative Courses of Action and Recommendation

1. **Motion to approve a Resolution directing the City Clerk to investigate the sufficiency of the Annexation Petition; and Adopt a Resolution setting a public hearing for June 26, 2017 (Recommended)**
2. Motion to table the item to a future date.
3. Motion to deny the request.

H. Issue Reviewed By

Bridgette Bell, Eddie Smith, Ernie Hiers, Wilmer Melton, Woody Chavis, Zac Gordon

ATTACHMENTS:

File Name

- ❑ Annexation_Petition.pdf
- ❑ Vicinity_Map.pdf
- ❑ Resolution_directing_the_Clerk_to_investigate_an_intent_to_annex.pdf
- ❑ Certificate_of_Sufficiency.pdf
- ❑ Resolution_to_set_a_public_hearing_vol_annexation.pdf
- ❑ City_of_Concord-Annex_Agreement_-_without_metes_and_bounds_attachments.pdf
- ❑ Kannapolis_Growth_Area_Smith_Annexation.pdf

KANNAPOLIS



PETITION REQUESTING A NON-CONTIGUOUS (SATELLITE) ANNEXATION

DATE: April 19, 2017

To the City Council of the City of Kannapolis, North Carolina:

1. We, the undersigned owners of real property, respectfully request that the area described in paragraph 2 below be annexed to the City of Kannapolis, North Carolina.
2. The area to be annexed is non-contiguous to the City of Kannapolis, North Carolina and the boundaries of such territory are as follows:

See Attached Survey Map and Metes and Bounds Description

3. A vicinity map is attached showing the area proposed for annexation in relation to the primary corporate limits of the City of Kannapolis, North Carolina (and in relation to the primary corporate limits of another municipality if substantial question of whether the area is closer to another municipality than to the City of Kannapolis, North Carolina).

	<u>Name</u> (print or type)	<u>Address</u>	<u>#</u>	<u>Signature</u>
1.	Glenda D. Smith	713 Northeast Dr.	63	Glenda D. Smith
	Davidson, NC	28036		
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____

*Family members (e.g., husbands and wives) need to sign separately. Signatures for corporations, institutions, etc., are by those with the authority to sign legal documents.



A-2017-01 Glenda Smith Voluntary Annexation Vicinity Map

Applicant: Glenda Smith
PIN: 5603-59-3567 and 5603-59-2493



**RESOLUTION DIRECTING THE CLERK TO
INVESTIGATE AN INTENT TO ANNEX UNDER
CHAPTER 160A ARTICLE 4A**

WHEREAS, the City Council may initiate annexation of non-continuous property owned by the petitioners by adopting a resolution stating its intent to annex the property of the area described herein; and

WHEREAS, N.C.G.S Chapter 160A, Article 4A, Part 4 provide that the sufficiency of the petition shall be investigated by the City Clerk of the City of Kannapolis, North Carolina before further annexation proceedings consistent within the intent to annex can take place; and

WHEREAS, the City Council of the City of Kannapolis, North Carolina deems it advisable to direct the City Clerk to investigate the sufficiency of the intent to annex;

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

The City Clerk is hereby directed to investigate the sufficiency of the above-described intent to annex under N.C.G.S. Chapter 160A, Article 4, Part 4A and to certify as soon as possible to the City Council the result of the investigation.

ADOPTED this the 22nd day of May 2017.

Milton D. Hinnant, Mayor

ATTEST:


Bridgette Bell, MMC, NCCMC
City Clerk

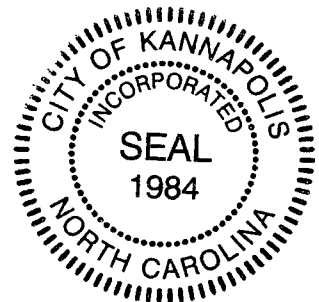
CERTIFICATE OF SUFFICIENCY

To the City Council of the City of Kannapolis, North Carolina.

I, Bridgette Bell, City Clerk, do hereby certify that pursuant to NCGS Chapter 160A, Article 4A, Part 4, I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the City of Kannapolis, North Carolina, this the 22nd day of May, 2017.


Bridgette Bell, MMC, NCCMC
City Clerk



RESOLUTION TO FIX DATE OF PUBLIC HEARING
ON QUESTION OF ANNEXATION PURSUANT TO
CHAPTER 160A ARTICLE 4A (Part 1) Section 160A-31 (a)

WHEREAS, pursuant to NCGS 160A-31 the City Council may initiate annexation of real property contiguous to the City's boundary pursuant to a Petition for Annexation by all property owners located therein by adopting a Resolution stating its intent to annex the property described.

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Laureate Center, 401 Laureate Way, Kannapolis, NC at 6:00 PM on the 26th day of June, 2017.

Section 2. The area proposed for annexation is described as follows:

Pin #5603593567 0.231 AC Tract

Beginning at a %" rebar, said rebar being located at the intersection of the southern right-of-way of Gully Street (30' Public R/W unopened) and the western right-of-way of Mattie Street (30' Public R/W unopened), thence with the western right-of-way of Mattie Street (30' Public R/W unopened), S 07°50'12" W 135.00 feet to a %" rebar, said rebar being a common corner with the property of Glenda D. Smith (Deed Bk. 615, Pg. 193); thence with the property of Glenda D. Smith (Deed Bk. 615, Pg. 193) the following two (2) calls: (1) N 88°14'48" W 75.00 feet to a %" rebar; (2) N 07°50'12" E 135.00 feet to a %" rebar, said rebar being located on the southern right-of-way of Gully Street (30' Public R/W unopened); thence with the southern right-of-way of Gully Street (30' Public R/W unopened), S 88°14'48" E 75.00 feet to the POINT AND PLACE OF BEGINNING and containing 0.231 AC.

PIN #5603592493 0.866 AC Tract

Beginning at a %" rebar, said rebar being located on the southern right-of-way of Gully Street (30' Public RM/ unopened), said rebar also being a common corner with now or formerly Marva S. Dixon (Deed Bk. 2751, Pg. 273), thence with the southern right of way of Gully Street (30' Public RMI unopened), S 88°14'48" E 50.00 feet to a %" rebar, said rebar being a common corner with the property of Glenda D. Smith (Deed Bk. 8922, Pg. 74); thence with the property of Glenda D. Smith (Deed Bk. 8922, Pg. 74) the following two (2) calls: (1) S 07°50'12" W 135.00 feet to a %" rebar; (2) S 88°14'48" E 75.00 feet to a %" rebar, said rebar being located on the western right-of-way of Mattie Street (30' Public RM/ unopened); thence with the western right-of-way of Mattie Street (30' Public RM/ unopened), S 01°44'48" E 245.00 feet to a %" rebar, said rebar being a common corner with now or formerly Jack Parks Heirs (Deed Bk. 114, Pg. 209); thence with the property of now or formerly Jack Parks Heirs (Deed Bk. 114, Pg. 209), S 72°15'12" W 51.20 feet to a %" rebar, said rebar being a common corner with the property now or formerly of Larry Crawford (Deed Bk. 5997, Pg. 300); thence with the property of now or formerly Larry Crawford (Deed Bk. 5997, Pg. 300) the following three

(3) calls: (1) N 12°15'12" E 122.31 feet to a bent 1-%" pipe; (2) N 88°14'48" W 75.00 feet to a bent 5/8" rebar; (3) S 12°15'12" W 19.98 feet to a %" rebar, said rebar being located on the northern right-of-way of Wig Street (30' Public RMI); thence with the northern right-of-way of Wig Street (30' Public RMI), N 88°00'00" W 100.41 feet to an axle, said axle being a common corner with now or formerly Arthur Crawford (Deed Bk. 268, Pg. 272); thence with the property of now or formerly Arthur Crawford (Deed Bk. 268, Pg. 272), N 13°03'01" E 150.25 feet to a 'Xi" rebar, said rebar being on the common property line of now or formerly Marva S. Dixon (Deed Bk. 2751, Pg. 273); thence with the property of now or formerly Marva S. Dixon (Deed Bk. 2751, Pg. 273) the following two (2) calls: (1) S 88°14'48" E 22.60 feet to a pinched pipe; (2) N 12°15'12" E 150.00 feet to the POINT AND PLACE OF BEGINNING and containing 0.866 AC.

Section 3. Notice of public hearing shall be published in the Independent Tribune on June 16, 2017.

ADOPTED this the 22nd day of May, 2017.

Milton D. Hinnant,
Mayor

ATTEST:

Bridgette Bell, MMC, NCCMC
City Clerk

STATE OF NORTH CAROLINA

ANNEXATION AGREEMENT

COUNTY OF CABARRUS

WHEREAS, the City of Kannapolis, a North Carolina municipal corporation, (hereinafter "Kannapolis") and the City of Concord, a North Carolina municipal corporation, (hereinafter "Concord") have undertaken a joint planning effort to encourage the orderly development of the unincorporated areas adjacent to the two municipalities; and

WHEREAS, Kannapolis and Concord desire to reduce uncertainty among residents and property owners in the potential growth areas of the municipalities which will improve planning by both public and private interests in such areas; and

WHEREAS, the General Statutes of North Carolina, Chapter 160A, Section 58.21 et seq. authorized municipalities to enter into binding agreements relating to future annexations and designating areas which are not subject to annexation by each participating municipality; and

NOW, THEREFORE upon the premises contained herein the parties hereto agree as follows:

1. This Agreement is executed pursuant to the authority of Article 4A, Part 6 of G.S. Chapter 160A of the North Carolina General Statutes (the "Act").
2. Subject to the provisions hereinafter stated, Kannapolis shall not annex the following area(s) shown on Exhibit "B.1" and "B.2" which are incorporated herein as a part of this Agreement.
3. Subject to the provisions hereinafter stated, Concord shall not annex the following area(s) shown on Exhibit "A.1," "A.2," "A.3," "A.4," and "A.5" which are incorporated herein as a part of this Agreement.
4. The effective date of this Agreement is December 11, 2003, or the date of adoption of an ordinance approving this Agreement by the last participating city to do so, whichever is later, and shall terminate at 12:01 am on the tenth anniversary following the effective date, or as otherwise terminated as provided herein.
5. This Agreement shall not be effective unless and until each participating city has held a public hearing on this Agreement, or the participating cities have held a joint public hearing, prior to adopting the ordinance approving this Agreement. Until such time as the required public hearings are held and the respective approving ordinances are adopted, this Agreement shall be considered a proposed agreement.

6. At least sixty (60) days prior to the adoption of any annexation ordinance affecting geographical area which is subject to this Agreement, the participating city proposing such annexation shall give written notice to the other participating city of the proposed annexation. Such notice shall describe the area to be annexed by a legible map, clearly and accurately showing the boundaries of the area to be annexed in relation to this Agreement delineated by roads, streams and any other prominent geographical features. Such notice shall not be effective for more than 180 days.
7. This Agreement may be modified or terminated only by a subsequent amending agreement adopted and executed by each participating cities. Any amending agreement shall be adopted by ordinance after public hearings as provided in G.S. 160A-31(c).
8. This Agreement shall not be binding beyond three miles of the primary corporate limits of a participating city unless approved by the Cabarrus County Board of County Commissioners. Provided, however, that any area where this Agreement is not binding because of failure of the Board of County Commissioners to approve it, shall become subject to this Agreement if a subsequent annexation brings it within three miles. The approval of a Board of County Commissioners shall be evidenced by a resolution adopted after a public hearing as provided in G.S. 160A-58.24(c) and (e) and 160A-31(c).
9. This Agreement may be terminated by a participating city, by repealing the ordinance which approved this Agreement and providing a five year advance written notice to the other participating city. Upon the expiration of the five-year notice period, this Agreement shall terminate.
10. From and after the effective date of this Agreement, no participating city may adopt an annexation ordinance as to all or any portion of an area in breach of this Agreement:
11. Nothing in this Agreement shall be construed to authorize the annexation of any area which is not otherwise subject to annexation under applicable law.
12. This Agreement contains the entire agreement between the participating cities.

IN WITNESS WHEREOF, the Mayors of the participating cities execute this Agreement in duplicate, to become effective as provided in paragraph 4 hereinabove, this the _____ day of December, 2003.

CITY OF KANNAPOLIS

By: O. Ray Moss
O. Ray Moss, Mayor

ATTEST:

Bridgette Bell
Bridgette Bell, CMC, City Clerk

APPROVED AS TO FORM:

Walter M. Safrit, II
Walter M. Safrit, II, City Attorney



CITY OF CONCORD

By: Scott Padgett
Scott Padgett, Mayor

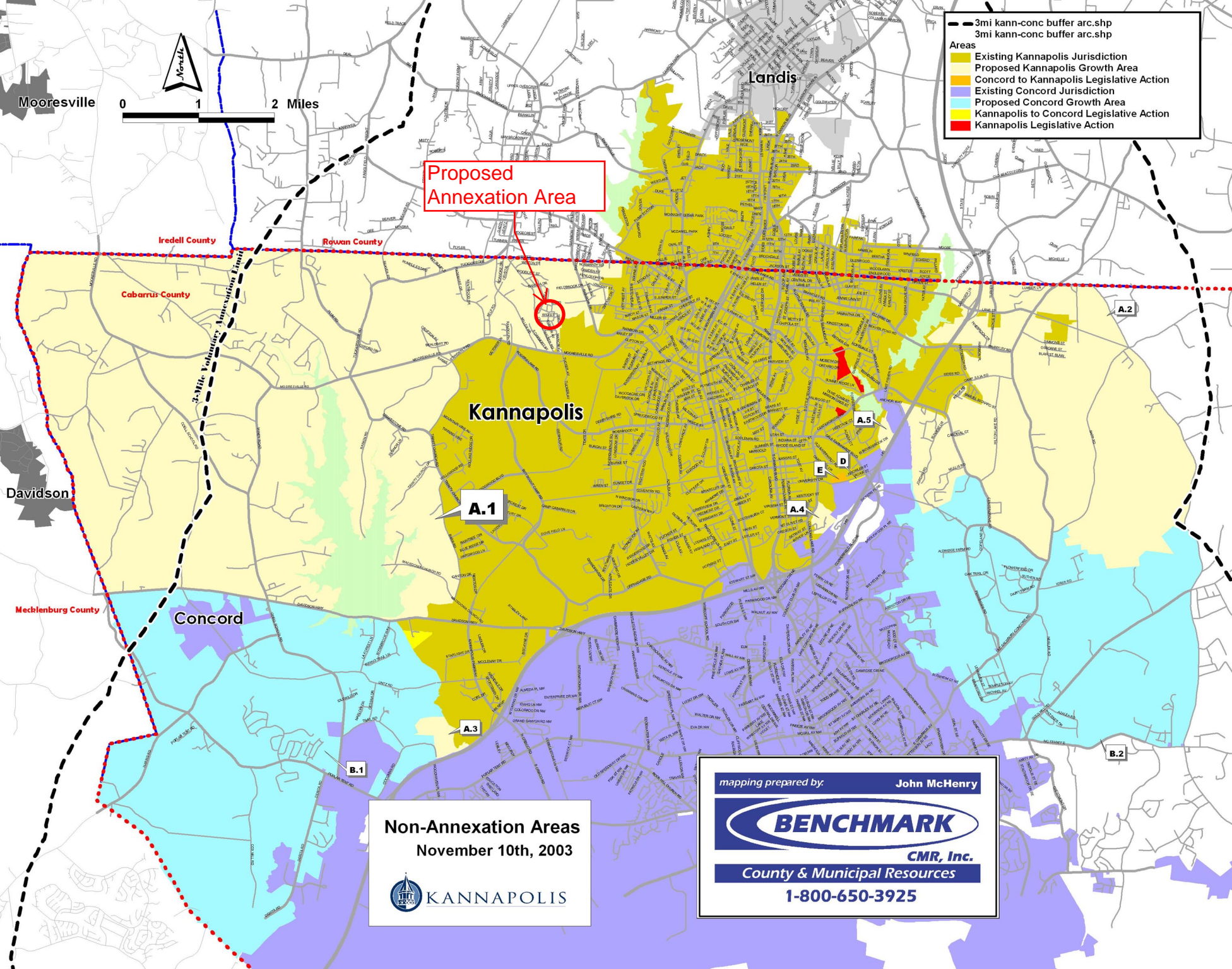
ATTEST:

Vickie C. Weant
Vickie Weant, CMC, City Clerk

APPROVED AS TO FORM:

Albert Benshoff
Albert Benshoff
City Attorney





3mi kann-conc buffer arc.shp
3mi kann-conc buffer arc.shp

Areas

- Existing Kannapolis Jurisdiction
- Proposed Kannapolis Growth Area
- Concord to Kannapolis Legislative Action
- Existing Concord Jurisdiction
- Proposed Concord Growth Area
- Kannapolis to Concord Legislative Action
- Kannapolis Legislative Action

Proposed
Annexation Area

Kannapolis

Concord

A.1

A.5

A.4

A.3

B.1

B.2

Non-Annexation Areas
November 10th, 2003



KANNAPOLIS

mapping prepared by:

John McHenry



CMR, Inc.

County & Municipal Resources

1-800-650-3925



**City of Kannapolis
City Council Meeting
May 22, 2017
Staff Report**

TO: Mayor and City Council
FROM: Mike Legg, City Manager
TITLE: WSACC Appointment to the Board of Directors

A. Action Requested by City Council

**Motion to make re-appointment or new appointment to the Board of Directors WSACC
(Mike Legg, City Manager)**

B. Required Votes to Pass Required Action

Majority present at meeting

C. Background

The Water and Sewer Authority of Cabarrus County (WSACC) was established April 8, 1992, by agreement and organized by the governing bodies of the Cities of Concord and Kannapolis, the Towns of Harrisburg and Mt. Pleasant, and the County of Cabarrus, in order to operate and maintain a regional interceptor sewer system and a regional wastewater treatment plant. The Bylaws of WSACC require a nine (9) member Board of Directors comprised of representatives from the governing bodies of each organizing jurisdiction within Cabarrus County. The Board of Directors is made up of two (2) members from Cabarrus County, two (2) members from the City of Concord, two (2) members from the City of Kannapolis, one (1) member from the Town of Harrisburg, one (1) member from the Town of Mt. Pleasant, and one (1) at-large seat which is appointed by Cabarrus County upon advisement from the other political jurisdictions.

City Manager Legg and Mayor Hinnant currently serve on the Board of Directors as the City's representatives. The appointment of Mayor Hinnant will expire at WSACC's annual meeting on June 15, 2017. Council will need to re-appoint Mayor Hinnant or make a new appointment.

D. Fiscal Considerations

None

E. Policy Issues

None

F. Legal Issues

None

G. Alternative Courses of Action and Recommendation
--

- 1. Reappoint Mayor Hinnant to the WSACC Board of Directors
(Recommended)**
2. Appoint someone else to serve on the WSACC Board of Directors

H. Issue Reviewed By

ATTACHMENTS:

File Name

📎 Hinnant_expiring_term_6-15-2017.doc



WATER & SEWER AUTHORITY
OF CABARRUS COUNTY

Office: 232 Davidson Hwy.
Concord, NC 28027

704.786.1783 ♦ 704.795.1564 Fax
www.wsacc.org

April 26, 2017

Mayor Darrell Hinnant
City of Kannapolis
209 Westview Street
Kannapolis, N.C. 28081

Dear Mayor Hinnant:

Your appointment to the Board of Directors of the Water and Sewer Authority of Cabarrus County (WSACC) will expire at WSACC's Annual Meeting on June 15, 2017. The City of Kannapolis will need to make a new appointment, or may re-appoint you to WSACC's Board of Directors. Please notify us of your appointment or re-appointment as soon as possible.

If you have any questions regarding this matter, please contact Michael Wilson at 704-786-1783.

Sincerely,

Troy Barnhardt
Chairman

cc: Michael Wilson
Central Files



**City of Kannapolis
City Council Meeting
May 22, 2017
Staff Report**

TO: Mayor and City Council
FROM: Mike Legg, City Manager
TITLE: Closed Session

A. Action Requested by City Council

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)

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