



## **KANNAPOLIS CITY COUNCIL**

**MEETING AGENDA**  
**Kannapolis City Hall**  
**401 Laureate Way, Kannapolis NC**  
**May 13, 2019**  
**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. Memorial Day
2. National Police Week and Peace Officers Memorial Day
3. Municipal Clerk's Week

### **APPROVAL/CORRECTION OF MINUTES**

1. April 22, 2019 Regular Meeting
2. Closed Session April 22, 2019

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

1. Request to consider withdrawal from dedication a portion of R-O-W known as Isenhour Road located at the intersection of Rogers Lake Road and adopt a Resolution of Intent setting a Public Hearing date (Wilmer Melton, III - Director of Public Works)

### **BUSINESS AGENDA**

- A. Public Hearing for Use of CDBG Program Funds FY 2019-20 and approve Action Plan (Sherry Gordon, Community Development Administrator)
- B. Public Hearing for Use of HOME Program Funds FY 2019-20 and approve Action Plan (Sherry Gordon, Community Development Administrator)
- C. Public Hearing and consider text amendments to Section 6.1, Table 6-1.1 of the Unified Development Ordinance (UDO) to amend the time limit for processing development review applications (Zachary D. Gordon, AICP, Planning Director).
- D. Public Hearing and adopt an Ordinance to demolish the substandard structure at 1428 West A Street (Zachary D. Gordon, AICP, Planning Director)
- E. Public Hearing and adopt an Ordinance to demolish the substandard structure at 601 Walter Street (Zachary D. Gordon, AICP, Planning Director)



F. Motion to continue meeting to Wednesday, May 22, 2019, 6:00 PM, City Council Chamber  
401 Laureate Way, Kannapolis, NC

### **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 are located on the table as you enter the meeting room. Please limit comments to 3 minutes

### **UPCOMING SCHEDULE**

May 22, 2019 (Continued Meeting from May 13, 2019)

May 27, 2019 Cancelled due to Memorial Day

June 10, 2019 Regular Meeting

June 24, 2019 Regular Meeting

### **ADA Notice and Hearing Impaired Provisions**

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), anyone who requires 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 email at [tcline@kannapolisnc.gov](mailto:tcline@kannapolisnc.gov) as soon as possible, but no later than forty-eight (48) hours before the scheduled event.





***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 of America that is usually celebrated on the last Monday in May; and

**WHEREAS**, Memorial Day was declared as a federal holiday in 1971 and is a celebration of remembrance of the brave service men and women who gave their lives for their country; and

**WHEREAS**, Freedom does not come without a price. We may sometimes take for granted the many liberties we enjoy in America, but they have all been earned through the ultimate sacrifice paid by so many of the members of our Armed Forces, 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 27, 2019 as:

**"MEMORIAL DAY"**

in the City of Kannapolis and urge all citizens join in celebrating the lives of the men and women who paid the ultimate sacrifice in service to our country.



**IN WITNESS WHEREOF** I have set my hand and caused the Great Seal of the City of Kannapolis to be affixed this 13th day of May, 2019.

*Milton D. Hinnant*





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

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

**WHEREAS**, the Congress and President of the United States have designated May 15 as Peace Officers Memorial Day and the week in which that date falls as National Police Week. Communities across the United States will come together to mark the week of May 12 through May 18, 2019 as the Annual Police Week Memorial Observance to honor and remember those law enforcement officers who made the ultimate sacrifice, as well as the family members, friends and fellow officers they left behind; and

**WHEREAS**, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial 38th Annual Candlelight Vigil, on the evening of May 13, 2019; and

**WHEREAS**, each year a group of Kannapolis Police Officers join other officers from across North Carolina participating in the Police Unity Tour (Bike2DC ride), raising awareness of Police Officers who have paid the ultimate sacrifice and to raise funds for the National Law Enforcement Officer's Memorial. Kannapolis officers will ride in honor of our own Officer Roger Dale Carter who was killed in the line of duty on December 31, 1993, and

**WHEREAS**, in tribute to American Law Enforcement Officers and at the request of the National Law Enforcement Officers Memorial Fund, Public Law 103-322 designates Tuesday, May 15, 2018 as ***National Peace Officers Memorial Day*** in honor of all fallen officers and their families and United States flags should be flown at half-staff.

**NOW, THEREFORE, BE IT RESOLVED** that the Kannapolis City Council formally designates ***May 12-18, 2019, as National Police Week in the City of Kannapolis*** in honor of officers who have fallen in the line of duty, and recognize the sacrifices made by the families of those officers and the families of those who continue to protect and serve our communities.



**IN WITNESS THEREFORE**, I have  
set my hand and caused the Great Seal  
of the City of Kannapolis to be affixed  
this 13th day of May, 2019.

*Milton D. Hinnant*





***Office of the Mayor***  
***KANNAPOLIS, NORTH CAROLINA***  
***50<sup>th</sup> Anniversary of Municipal Clerks Week***  
***May 5 – 11, 2019***

**WHEREAS**, the International Institute of Municipal Clerks (IIMC), a professional non-profit association with over 14,500 plus members, announces its 50th Annual Municipal Clerks Week – May 5 through May 11, 2019. IIMC has sponsored Municipal Clerks Week since 1969, and

**WHEREAS**, the Office of the Municipal Clerk is the hub of government, maintaining the official Council Minutes, Ordinance Books, records and documents; processes contracts and agreements and is a key liaison between local government and its citizens, and

**WHEREAS**, Municipal Clerks are tasked with some functions that are clerical in nature, but a strong positive professional relationship between the Clerk, Mayor, City Council, City Manager, City Attorney and all Administrative Departments; without exception, is important for effective service delivery to residents. All of them call upon the Office of the Clerk almost daily, for some service or information, and

**WHEREAS**, the IIMC prepares its membership to meet these challenges of the diverse role of the Municipal Clerk by providing services and continuing education. The Certified Municipal Clerk or Master Municipal Clerk designation are only to those Municipal Clerks who complete demanding education requirements and who have a record of significant contributions to their local government.

**NOW THEREFORE, I, MILTON D. HINNANT**, Mayor of the City of Kannapolis, North Carolina by virtue of the authority vested in me as Mayor recognize the week of May 5 through May 11, 2019 as Municipal Clerks Week and further extend appreciation to our Master Municipal Clerk, Bridgette Bell for her 31 years of service as Municipal Clerk and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the community they represent.



**IN WITNESS WHEREOF** I have set my hand and caused the Great Seal of the City of Kannapolis to be affixed this 13th day of May, 2019.

*Milton D. Hinnant*



**CITY OF KANNAPOLIS  
COUNCIL MEETING MINUTES  
April 22, 2019**

A regular meeting of the City Council of the City of Kannapolis, North Carolina was held on Monday, April 22, 2019 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: Roger Haas  
Van Rowell  
Diane Berry  
Doug Wilson  
Tom Kincaid

Council Members Absent: Ryan Dayvault

City Manager: Mike Legg

Deputy City Manager: Eddie Smith

City Clerk: Bridgette Bell

City Attorney: Walter M. Safrit

Staff Present: Trent Marlow      JW Chavis  
Terry Clanton      Zac Gordon  
Ernie Hiers      Annette Privette Keller  
Rick Barnhardt      Scott Kaufman  
Irene Sacks      Lee Goodman  
Greg Summit      Jason May

Visitors Present: Amanda Cable      Nathan Payne  
Cathy Wilson      Apostle Beverly Lockhart  
Shelby Whitney      Michael Whitney  
Adael Shinn      Bobbi Hague  
Philip Benfield      Jaimie Wilson  
Kris Atkinson      Mark Spitzer  
Madelynn Elkins      Vicki Graham  
Thomas Dixon      Diana Shipe  
Shelley McBride      Jonathan McBride  
Nancy Rumble      Sophia Wilkerson  
Mason Nance      Michael Drye  
Kathleen Tilghman



1 **CALL TO ORDER AND WELCOME:**

2 Mayor Hinnant called the meeting to order and welcomed those in attendance. A moment of silent  
3 prayer and the Pledge of Allegiance was led by Council Member Kincaid.  
4

5 **ADOPTION OF AGENDA:**

6 Mayor Hinnant noted a revised agenda removing Business Agenda Item A “Public Hearing and  
7 consider text amendments to Section 6.1, Table 6-1.1 of the Unified Development Ordinance  
8 (UDO) to amend the time limit for processing development review applications”, deferring it to  
9 the May 13th Council meeting. Council Member Wilson made a motion to approve the revised  
10 agenda. Motion was seconded by Council Member Berry and approved by unanimous vote.  
11

12 **PROCLAMATION**

13 Mayor Hinnant read a Proclamation declaring the week of April 21 – 27 as National Volunteer  
14 Week.  
15

16 **RECOGNITIONS**

17 **2019 KPD Citizen's Police Academy Graduation (Woody Chavis, Police Chief)**

18 The Citizen’s Police Academy was designed to foster closer and meaningful relationships between  
19 the police department and the citizens we serve. This academy gives the students an insight into  
20 all aspects of our operations that most non-law enforcement do not get the opportunity to see or  
21 experience. It is one of the great ways that we can further promote transparency. They received  
22 information that would provide them with a real-life perspective of the profession and our  
23 department. Participates received a plaque noting the successful completion of the Academy.  
24

25 Henry Brown	Roy Burris	Thomas Dixon	Michael Drye
26 Suzanne Irvin	Brian Most	Keith Overcash	Molly Penton
27 Adael Smith	Diana Shipe	Glenn Tingin	Michael Whitney
28 Jaimie Wilson			

29  
30 **2019 KFD Citizen's Fire Academy Graduation (Ernie Hiers, Fire Chief)**

31 The Citizens Fire Academy is a ten-week course offered to residents of Kannapolis who would  
32 like to have a better understanding of our departmental operations and how we assist citizens when  
33 an emergency occurs. The academy also teaches the dangers of fire and how a person can protect  
34 themselves and their homes. This was the 2nd class for the Kannapolis Fire Department and we  
35 feel like the participants as well as the instructors really enjoyed the program. The participates  
36 received a plaque noting the successful completion of the Academy.  
37

38 Eric Atkinson	Madelynn Elkins	Debbie Funderburk	Vicki Graham
39 Randy McBride	Shelley McBride	Mason Nance	Nicholas Reese
40 Nancy Rumble	Kathleen Tilghman		

41  
42 **APPROVAL OF MINUTES**

43 Motion was made by Mayor Pro tem Haas to approve the March 25, 2019 meeting minutes. Motion  
44 was seconded by Council Member Kincaid and approved by unanimous vote.



1 Motion was made by Council Member Wilson to approve the April 08, 2019 Regular Meeting  
2 Minutes. Motion was seconded by Council Member Berry and approved by unanimous vote.

3  
4 Motion was made by Council Member Kincaid to approve the March 25, 2019 Closed Session  
5 Meeting Minutes. Motion was seconded by Council Member Wilson and approved by unanimous  
6 vote.

7  
8 Motion was made by Council Member Kincaid to approve the April 08, 2019 Closed Session  
9 Meeting Minutes. Motion was seconded by Council Member Kincaid and approved by unanimous  
10 vote.

11  
12 **CONSENT AGENDA:**

13 Motion was made by Mayor Pro tem Haas and seconded by Council Member Berry to approve the  
14 Consent Agenda. The motion was approved by unanimous vote.

15  
16 Request to consider withdrawal of an unopened portion of R-O-W located between 1010 Birch  
17 Street and 1005 Pine Street and establish the Public Hearing date on May 22, 2019 (Wilmer  
18 Melton, III - Director of Public Works) (Copy included as Exhibit A)

19  
20 Request to consider withdrawal of an unopened portion of R-O-W located on Caldwell Street and  
21 establish the Public Hearing date for May 22, 2019 (Wilmer Melton, III, Director of Public Works)  
22 (Copy included as Exhibit B)

23  
24 **BUSINESS AGENDA:**

25 **Public Hearing and consider text amendments to Section 6.1, Table 6-1.1 of the Unified**  
26 **Development Ordinance (UDO) to amend the time limit for processing development review**  
27 **applications (This item deferred to May 13, 2019)**

28  
29 **Public Hearing to consider a request to withdrawal from dedication a portion of Quebec**  
30 **Court R-O-W located off Kannapolis Parkway (Wilmer Melton, III - Director of Public**  
31 **Works) (Copy included as Exhibit C)**

32 Mr. Melton presented information regarding a request to consider withdrawal from dedication a  
33 portion of Quebec Court. The property owner has requested the closure of a portion of Quebec  
34 Court R-O-W located off Kannapolis Parkway. All necessary documents have been received and  
35 proper notice has been given in accordance with NCGS 160A-299. Staff has reviewed all  
36 documents and finds no reason to deny the request for closure.

37  
38 Provided there is no evidence given at the Public Hearing that withdrawing from dedication a  
39 portion of Quebec Court R-O-W located off Kannapolis Parkway is not contrary to the public  
40 interest, it is recommended that City Council approve the Order to Close.

41  
42 There being no questions, Mayor Hinnant opened the public hearing to those in attendance for an  
43 opportunity to speak. There being no speakers, Mayor Hinnant closed the public hearing.



1 Mayor Pro tem Haas made a motion to approve an Order to withdrawal from dedication a portion  
2 of Quebec Court R-O-W located off Kannapolis Parkway. Motion was seconded by Council  
3 Member Kincaid and approved by unanimous vote.  
4

5 **Public Hearing and adoption of an Ordinance to demolish the substandard structure at 151**  
6 **Waco Avenue (Zachary D. Gordon, AICP, Planning Director) (Copy included as Exhibit D)**

7 Planning Director Gordon provided the following information:  
8

9 **SUMMARY**

- 10 ➤ House has been vacant for a number of years with no utility services
- 11 ➤ Vagrant activity observed
- 12 ➤ Taxes are delinquent
- 13 ➤ **Repair cost to address Minimum Housing Code violations will exceed 50% of building**  
14 **tax value of \$40,070**
- 15 ➤ **Demolition cost estimated to be \$3,500 (plus cost to remove asbestos)**  
16

17 **KEY DATES:**

- 18 ▪ December 13, 2018 – Property owner notified of public hearing on Minimum Housing  
19 Code violations
- 20 ▪ December 28, 2018 – Minimum housing code hearing held – no parties of interest in  
21 attendance
- 22 ▪ March 28, 2019 – Deadline for property owner to remedy Minimum Housing Code  
23 violations
- 24 ▪ April 3, 2019 – Property owner indicated intent to sell property prior to April 22, 2019
- 25 ▪ **April 22, 2019 – Hearing before City Council to consider demolition of house**
- 26 ▪ May 15, 2019 – Deadline for property owners to vacate property and remove any personal  
27 property  
28

29 Cost to remove dilapidated structures is estimated to be approximately \$3,500, plus asbestos  
30 abatement. Funds for demolition to come from Planning Department budget.  
31

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

35 Mayor Pro tem Haas made a motion to approve an Ordinance to demolish the substandard structure  
36 at 151 Waco Avenue. Council Member Wilson seconded the motion and it was approved by  
37 unanimous vote.  
38

39 **Public Hearing and adoption of an Ordinance to demolish the substandard structure at 409**  
40 **Oak Circle (Zachary D. Gordon, AICP Planning Director) (Copy included as Exhibit E)**

41 Planning Director Gordon provided the following information:  
42

43 **SUMMARY:**

- 44 ➤ Home owners died in 2010 and 2012



- House in severe state of deterioration
- Taxes are delinquent
- Relatives contacted during title search had no interest in property or repairs
- **Repair cost to address Minimum Housing Code violations will exceed 50% of building tax value of \$27,339**
- **Demolition cost estimated to be \$3,500 (plus cost to remove asbestos)**

**KEY DATES:**

- November 15, 2018 – Property owner notified of public hearing on Minimum Housing Code violations
- December 4, 2018 – Minimum housing code hearing held – no parties of interest in attendance
- March 4, 2019 – Deadline for property owner to remedy Minimum Housing Code violations
- April 22, 2019 – Hearing before City Council to consider demolition of house
- May 15, 2019 – Deadline for property owners to vacate property and remove any personal property

Cost to remove dilapidated structures is estimated to be approximately \$3,500, plus asbestos abatement. Funds for demolition to come from Planning Department budget.

There being no questions, 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 Wilson made a motion to approve an Ordinance to demolish the substandard structure at 409 Oak Circle. Council Member Berry seconded the motion and it was approved by unanimous vote.

**Resolution approving an Ordinance establishing a Community Improvement Commission (Mike Legg, City Manager) (Copy included as Exhibit F)**

City Manager Legg explained that City Council had expressed a desire in revamping the Citizens Advisory Commission for Community Development to include additional duties of reviewing code enforcement cases and making recommendations to City Council. Staff has created an Ordinance to establish a new Community Improvement Commission which will address both code enforcement and review and support of the City's community development program. The Commission will include the Community Development aspects of reviewing and recommending non-profit grant applications, reviewing annual action plans, and year-end reports and participating in Fair Housing activities.

City Council will appoint nine (9) new members of this Commission after Staff receives and reviews applications. Previous Citizens Advisory Commission for Community Development members are invited to apply for the new Community Improvement Commission. The Community Development Program Administrator will continue to be the staff liaison for the community development portion of the Community Improvement Commission. The Planning Director will designate staff from the Planning Department to be staff liaison for code enforcement issues



1 brought before the commission. This Commission may also be involved in the support of future  
2 housing and commercial corridor redevelopment and revitalization efforts as they arise.

3  
4 It is recommended that City Council approve a Resolution to adopt an Ordinance establishing a  
5 Community Improvement Commission and dissolve the Citizens Advisory Commission for  
6 Community Development.

7  
8 Council Member Kincaid made a motion to approve a Resolution adopting an Ordinance  
9 establishing a Community Improvement Commission and dissolve the Citizens Advisory  
10 Commission for Community Development. Motion was seconded by Council Member Wilson and  
11 approved by unanimous vote.

12  
13 **Resolution approving the Fishertown Action Plan (Walter M. Safrit II, City Attorney;**  
14 **Bridgette Bell, City Clerk) (Copy included as Exhibit G)**

15 City Attorney Safrit reported that the Fishertown Action Plan “the Plan” was formally  
16 implemented by City Council action on November 26, 2017 to provide city advice and assistance  
17 with the annexation process for a distressed area under NCGS 160A-31. It appears from the City  
18 Clerk’s findings relating to a Certificate of Sufficiency that the citizen proponents of the Plan were  
19 unable to acquire the necessary support evidenced by lack of signatures on the required petition.  
20 Owners of only 86 parcels representing 31% of parcels of real property within the designated area,  
21 signed the Petition, which was not sufficient to meet the required statutory minimum of 271 parcels  
22 representing 75%.

23  
24 Furthermore, residents of only 40 households representing 22% of the households within the  
25 designated area signed the Petition which was not sufficient to meet the required statutory  
26 minimum of 124 households representing 66-2/3%.

27  
28 It is recommended that City Council approve a Resolution relating to the Fishertown Action Plan  
29 Petition and the Certificate of Sufficiency prepared by the City Clerk.

30  
31 Motion was made by Mayor Pro tem Haas to approve a Resolution relating to the Fishertown  
32 Action Plan Petition and the Certificate of Sufficiency prepared by the City Clerk. Motion was  
33 seconded by Council Member Berry. The motion was approved by 5-1 vote with Council Member  
34 Wilson voting no. Council Member Dayvault was absent from the meeting.

35  
36 **Amend the Regular Schedule Meeting and cancel the May 27, 2019 City Council Meeting**  
37 **due to the Holiday (Mike Legg, City Manager) (Copy included as Exhibit H)**

38 Due to the regularly scheduled meeting of Council for May 27<sup>th</sup>, it is recommended that the  
39 meeting be cancelled due to the Memorial Day holiday. Additionally, Council will be asked to  
40 continue this meeting to Tuesday, May 7<sup>th</sup>, 6:00 in the Executive Conference Room, second floor.

41  
42 Motion was made by Mayor Pro tem Hass and seconded by Council Member Kincaid approved a  
43 Resolution amending the regular schedule meeting of City Council cancelling the May 27 meeting,  
44 due to the Memorial Day Holiday. The motion was approved by unanimous vote.



1 **CITY MANAGER REPORT:** City Manager reminded Council at the conclusion of this meeting,  
2 will need to continue the meeting to Tuesday, May 7<sup>th</sup>, 6:00 in the Executive Conference Room,  
3 second floor for a closed session meeting.  
4

5 **CITY COUNCIL COMMENTS:** None  
6

7 **SPEAKERS FROM THE FLOOR:**

8 Bobbi Hague of 423 West Avenue spoke her displeasure on the way the Fishertown Annexation  
9 was structured as the City set it or failure. She is outraged the way it was handled. She noted there  
10 are a lot of senior citizens who live in the area and was not able to come to City Hall and sign the  
11 petition between the hours of 8:00 to 5:00. She felt the City should have done more to encourage  
12 and assist the elderly citizens living in the Fishertown Area. "Shame on all of you who voted for  
13 this."  
14

15 Sophia Wilkerson of 314 Ester Circle is with the Little Texas Road Community Neighborhood  
16 Watch. She asked for Council to come to their side of town and look at all of the construction.  
17 There are 60 senior citizen apartments going up and across the street there are about 21 new homes  
18 being constructed on El Paso and Little Texas Road. The conditions are critical in terms of turning  
19 on and coming off Little Texas Road. Someone who is not familiar with the area could run into  
20 the barrels right next to Mount Calvary Lutheran Church. She spoke with Code Enforcement  
21 Officer Barry Howell who told her it more of an engineering matter; however the same day that  
22 Mr. Hower called her, some of the cones were moved. She commended Mr. Hower in getting this  
23 done. She noted that the Little Texas community will be beautiful, but would like to see some  
24 multi-use apartments. Ms. Wilkerson also concurs with Ms. Hague on the way the Fishertown  
25 Annexation was handled.  
26

27 Mayor Pro tem Haas made a motion to go into Closed Session pursuant to G.S. 143-318.11 (a) (3)  
28 to consult with an attorney in order to preserve the attorney client privilege; G.S. 143.318.11 (a)  
29 (4) for discussing matters relating to the location or expansion of industries or businesses in the  
30 area and G.S.143-318.11 (a) (6) for the purpose of discussing personnel matters. Motion was  
31 seconded by Council Member Kincaid seconded the motion and it was approved by unanimous  
32 vote.  
33

34 Council went into closed session at 6:47 PM  
35

36 Council Member Wilson made a motion to come of out closed session. Motion was seconded by  
37 Council Member Berry and approved by unanimous vote.  
38

39 Council resumed regular session at 7:20 PM.  
40

41 Council Member Kincaid made a motion to increase the City Manager Legg's salary by five (5)  
42 percent retroactive to October 2018, being his anniversary date. Mayor Pro tem Haas seconded  
43 the motion and it was approved by unanimous vote.  
44



1 There being no further business, Mayor Pro tem Haas made a motion to continue the meeting to  
2 May 7<sup>th</sup>, 6:00 PM, Executive Conference Room, 2<sup>nd</sup> Floor. Council Member Wilson seconded the  
3 motion and it was approved by unanimous vote.  
4

5 The meeting recessed at 7:20 PM on Monday, April 22, 2019.  
6  
7  
8  
9

10  
11 \_\_\_\_\_  
12 Milton D. Hinnant, Mayor  
13

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





**City of Kannapolis  
City Council Meeting  
May 13, 2019  
Staff Report**

**TO:** Mayor and City Council  
**FROM:** Wilmer Melton, III - Director of Public Works  
**TITLE** Request to consider withdrawal from dedication a portion of R-O-W known as Isenhour Road located at the intersection of Rogers Lake Road and establish Public Hearing date

**A. Action Requested by City Council**

Motion to approve a Resolution stating the intent of the City to consider withdrawal from dedication a portion of R-O-W known as Isenhour Road located at the intersection of Rogers Lake Road and set a Public Hearing date.

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

Majority present at meeting

**C. Background**

The property owner has requested the closure of a portion of R-O-W known as Isenhour Road located at the intersection of Rogers Lake Road. All necessary documents have been received. Staff has reviewed all documents and finds no reason to deny the request for closure.

**D. Fiscal Considerations**

None

**E. Policy Issues**

The approval of this recommendation is in keeping with the practice of City Council of vacating easements that are no longer necessary for public use, returning the land to private ownership.

**F. Legal Issues**

None



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

1. **Motion to adopt a Resolution of Intent for the closure of a portion of R-O-W known as Isenhour Road located at the intersection of Rogers Lake Road and set a public hearing date for June 10, 2019 (Recommended).**
2. Take no action.
3. Table to a future meeting.

ATTACHMENTS:

File Name

- ☐ Isenhour\_Road\_Abandonment\_Petition\_-\_Executed.pdf
- ☐ Survey\_Plat.pdf
- ☐ Resolution\_of\_Intent\_to\_Close\_3951\_Isenhour\_Road\_R-O-W\_Isenhour\_Rd.pdf



## PETITION FOR STREET OR ALLEY CLOSURE

We, the property owners abutting the alley or street located at (please describe) 3951 Isenhour Road, beginning roughly 1,030' southeast from the intersection of Isenhour Road & Rogers Lake Road and continuing southeast to the end of the existing R/W

hereby petition the City of Kannapolis to remove from dedication the right of way for the above mentioned alley or street.

NAME

ADDRESS

PHONE #

SIGNATURE

BRETT MANEIL 13925 BACCANTINE CORP PL #300 (704) 944 8987 [Signature]



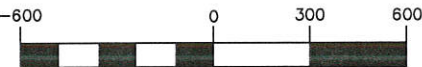
I, BRYAN P LACKEY, CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY SUPERVISION AND THAT THE PLAT WAS PREPARED FOR THE PURPOSE OF RIGHT OF WAY ABANDONEMENT ONLY, AND IS NOT INTENDED TO BE A BOUNDARY SURVEY OF THE PROPERTY SHOWN HEREON.

BRYAN P. LACKEY, PLS  
4/30/19  
NORTH CAROLINA  
PROFESSIONAL  
SEAL  
L-5055  
LAND SURVEYOR  
BRYAN P. LACKEY

LEGEND:

- △ - MONUMENT FOUND, CALCULATED POINT
- - PROPERTY LINE
- - - - - RIGHT OF WAY
- - - - - ADJOINER
- - RIGHT OF WAY TO BE ABANDONED
- - IRON FOUND, TYPE NOTED

GRAPHIC SCALE



( IN FEET )  
1 inch = 600 ft.

PREPARED BY: FIRM # C-4168

R. Joe Harris & Associates, Inc.

Engineering & Land Surveying

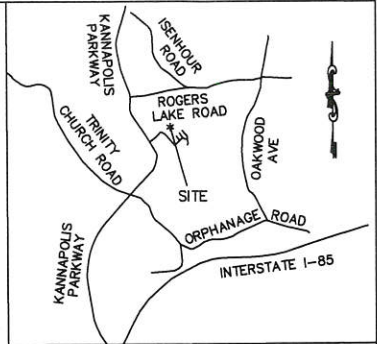
127 BEN CASEY DRIVE, SUITE 101, FORT MILL, SC, 29708  
Phone: (803) 802-1799

NOTES:

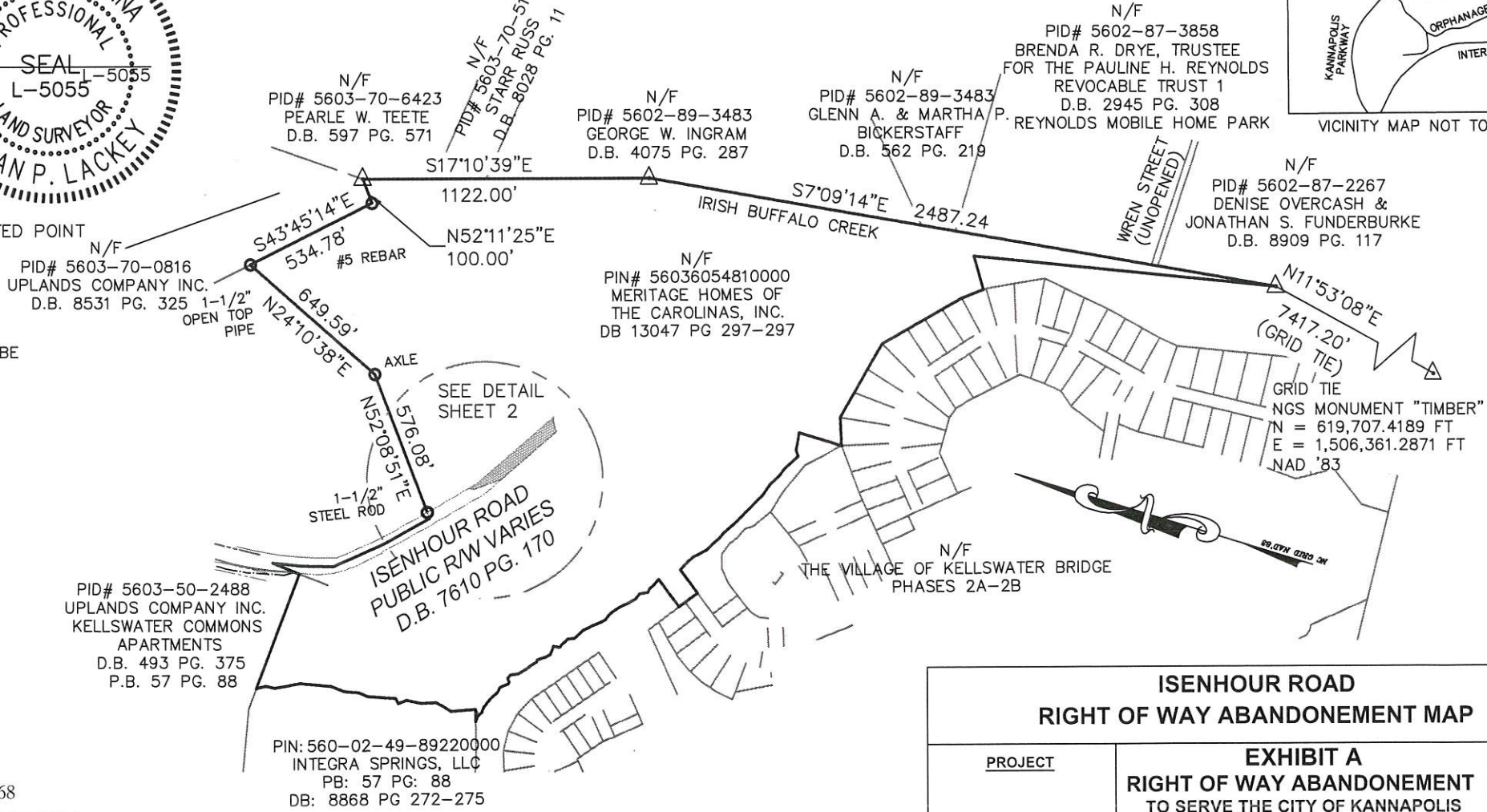
THIS PROPERTY MAY BE SUBJECT TO OTHER EASEMENTS EITHER RECORDED OR IMPLIED.  
BOUNDARY INFORMATION TAKEN FROM COMPILED CABBARRUS CO. PUBLIC RECORD INFORMATION.

THIS PROPERTY IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS.

THIS PLAT DOES NOT MEET G.S. 47-30 STANDARDS.



VICINITY MAP NOT TO SCALE



3,542,076 SF/81.315 ACRES TOTAL AREA BY PLAT  
48,063 SF/1.103 ACRES IN TOTAL RIGHT OF WAY  
18,134 SF/0.416 ACRES IN RIGHT OF WAY TO BE ABANDONED  
29,929 SF/0.687 ACRES IN RIGHT OF WAY LEFT

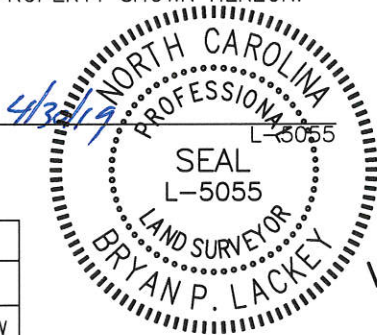
ISENHOUR ROAD  
RIGHT OF WAY ABANDONEMENT MAP

PROJECT		EXHIBIT A	JOB NO.
		RIGHT OF WAY ABANDONEMENT	2116
		TO SERVE THE CITY OF KANNAPOLIS	FILE NO.
		CABARRUS CO., NC	
REV.		PROPERTY OF:	SHEET
		MERITAGE HOMES OF THE CAROLINAS, INC.	1
		DB 13047 PG 297	OF
		8800 E. RAIN TREE, SUITE 300	2
		SCOTTSDALE, AZ 85260	
SCALE		A PORTION OF PARCEL ID #04-051-0001.00	
1" = 600'			
DRAWN BY: DC		CHECKED BY: BPL	SURVEY SUPVR.
DATE: 4-29-19			



I, BRYAN P LACKEY, CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY SUPERVISION AND THAT THE PLAT WAS PREPARED FOR THE PURPOSE OF RIGHT OF WAY ABANDONEMENT ONLY, AND IS NOT INTENDED TO BE A BOUNDARY SURVEY OF THE PROPERTY SHOWN HEREON.

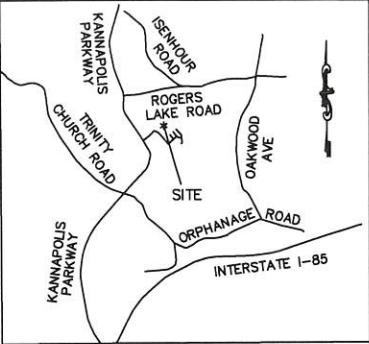
*Bryan P. Lackey*  
BRYAN P. LACKEY, PLS



Easement Line Table		
Line #	Length	Direction
E1	188.45	N47° 03' 50"W
E2	35.28	S47° 03' 50"E
E3	51.51	S57° 50' 39"E
E4	161.49	S57° 50' 39"E
E5	183.87	S57° 54' 21"E
E6	15.45	S76° 47' 54"W
E7	39.33	S59° 20' 09"W
E8	4.61	S8° 31' 46"W
E9	26.93	N57° 50' 39"W
E10	129.97	N57° 50' 39"W
E11	127.11	N57° 50' 39"W
E12	108.65	S37° 51' 09"E

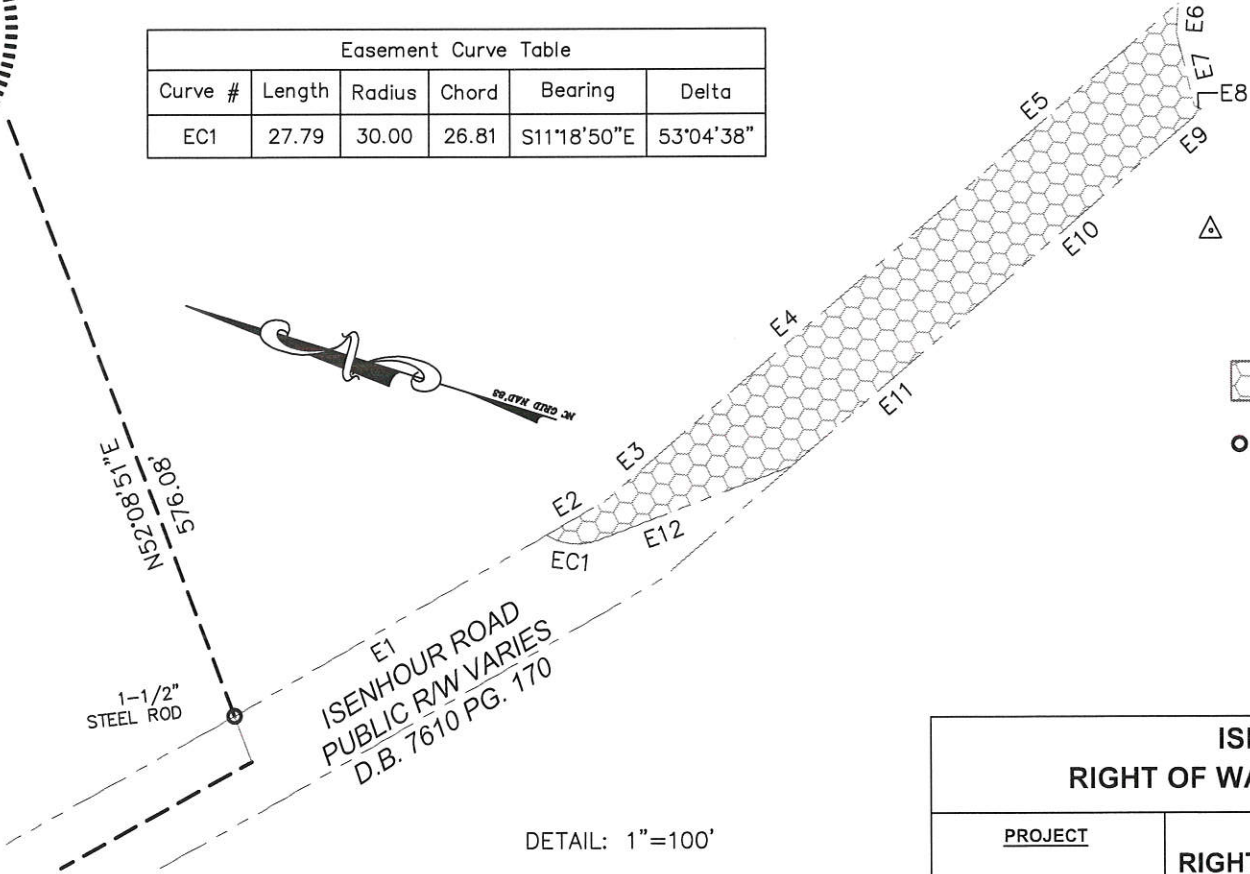
NOTES:  
THIS PROPERTY MAY BE SUBJECT TO OTHER EASEMENTS EITHER RECORDED OR IMPLIED.  
BOUNDARY INFORMATION TAKEN FROM COMPILED CABBARRUS CO. PUBLIC RECORD INFORMATION.

THIS PROPERTY IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS.  
THIS PLAT DOES NOT MEET G.S. 47-30 STANDARDS.



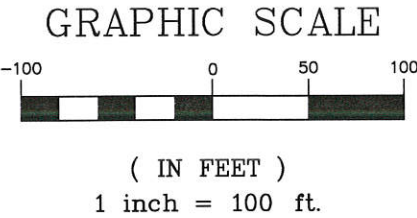
VICINITY MAP NOT TO SCALE

Easement Curve Table					
Curve #	Length	Radius	Chord	Bearing	Delta
EC1	27.79	30.00	26.81	S11°18'50"E	53°04'38"



**LEGEND:**

- △ - MONUMENT FOUND, CALCULATED POINT
- — — — — - PROPERTY LINE
- — — — — - RIGHT OF WAY
- — — — — - ADJOINER
- RIGHT OF WAY TO BE ABANDONED
- - IPF(IRON PIN FOUND)



ISENHOUR ROAD RIGHT OF WAY ABANDONEMENT MAP		
PROJECT	EXHIBIT A RIGHT OF WAY ABANDONEMENT TO SERVE THE CITY OF KANNAPOLIS CABARRUS CO., NC	JOB NO. 2116
		FILE NO.
REV. 12-21-16 UPDATE CALL	PROPERTY OF: MERITAGE HOMES OF THE CAROLINAS, INC. DB 13047 PG 297 8800 E. RAINTREE, SUITE 300 SCOTTSDALE, AZ 85260	SHEET 2
SCALE 1" = 100'	A PORTION OF PARCEL ID #04-051-0001.00	OF 2
DRAWN BY: DC	CHECKED BY: BPL SURVEY SUPVR.	
DATE: 4-29-19		

PREPARED BY: FIRM # C-4168

**R. Joe Harris & Associates, Inc.**

**Engineering & Land Surveying**

127 BEN CASEY DRIVE, SUITE 101, FORT MILL, SC. 29708  
Phone: (803) 802-1799

3,542,076 SF/81.315 ACRES TOTAL AREA BY PLAT  
48,063 SF/1.103 ACRES IN TOTAL RIGHT OF WAY  
18,134 SF/0.416 ACRES IN RIGHT OF WAY TO BE ABANDONED  
29,929 SF/0.687 ACRES IN RIGHT OF WAY LEFT

DETAIL: 1"=100'



**A RESOLUTION STATING THE INTENT OF THE CITY OF KANNAPOLIS TO  
CONSIDER WITHDRAWAL FROM DEDICATION A PORTION OF R-O-W KNOWN AS  
3951 ISENHOUR ROAD LOCATED AT THE INTERSECTION OF ROGERS LAKE  
ROAD AS DESCRIBED HEREIN AND ESTABLISHING THE DATE OF PUBLIC  
HEARING ON THE QUESTION OF SUCH CLOSING**

**BE IT RESOLVED** by the City Council of the City of Kannapolis:

**Section 1.** That it is the intent of the City Council of the City of Kannapolis to consider closing a portion of R-O-W known as 3951 Isenhour Road located at the intersection of Rogers Lake Road as a described Public Street or alley pursuant to Section 160A-299 of the General Statutes of North Carolina.

**LEGAL DESCRIPTION**

Being a portion of that certain parcel of land, lying in the City of Kannapolis, County of Cabarrus, State of North Carolina, said parcel having an PIN # of 56036054810000, and being recorded in Deed Book 13047 Page 297 (Cabarrus County Register of Deeds) and being more particularly described as follows:

To reach the POINT OF BEGINNING (POB); Commence at NGS monument "Timber" having North Carolina geodetic coordinates of North=619,707.419' and East=1,506,361.287' (NAD '83(2007)) Thence N11°53'08"E for a distance of 7,417.20' to a point in the center of Irish Buffalo Creek, Thence, with Irish Buffalo Creek, the following 2 calls 1)N7°09'14"W for a distance of 2,487.24' to a point 2)N17°10'39"W 1,122.00' to a point, Thence, leaving said creek, S52°11'25"W for a distance of 100.00' to a #5 rebar found, thence N43°45'14"W for a distance of 534.78' to a 1-1 ½" open top pipe, thence S24°10'38"W for a distance of 649.59' to an axle found, thence S52°08'51"W for a distance of 576.08' to a 1 ½" steel rod on the existing Right of Way of Isenhour Road (variable width Right of Way, Deed Book 7610 Page 170), thence with said Right of Way S47°03'50"E for a distance of 188.45' to the POB;

Thence from the POB, and with the aforementioned Right of Way (now to be abandoned) the following 12 calls 1)S47°03'50"E for a distance of 35.28' to a point 2)S57°50'39"E for a distance of 51.51' to a point 3)S57°50'39"E for a distance of 161.49' to a point 4)S57°54'21"E for a distance of 183.87' to a point 5)S76°47'54"W for a distance of 15.45' to a point 6)S59°20'09"W for a distance of 39.33' to a point 7)S08°31'46"W for a distance of 4.61' to a point 8)N57°50'39"W for a distance of 26.93' to a point 9)N57°50'39"W for a distance of 129.97' to a point 10)N57°50'39"W for a distance of 127.11' to a point 11)N37°51'09"W for a distance of 108.65' to a point on the beginning of a curve 12)said curve turning to the right through an angle of 53°04'38", having a radius of 30.00', and whose long chord bears N11°18'50"W for a distance of 26.81' to the POB, containing 0.416 acres, more or less.

**Section 2.** That a Public Hearing on the question of such closing the above described right-of- way will be held at 401 Laureate Way, Kannapolis, North Carolina, at 6:00 o'clock p.m. on the 10th of June 2019 at which time plans for such closing will be explained and all persons will be given an opportunity to be heard.



**Section 3.** That notice of said closing and Public Hearing shall be given by publication, mailing and posting as required by law.

Adopted this 13<sup>th</sup> day of May, 2019.

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Milton D. Hinnant, Mayor

ATTEST:

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Bridgette Bell, MMC, NCCMC  
City Clerk





**City of Kannapolis  
City Council Meeting  
May 13, 2019  
Staff Report**

**TO:** Mayor and City Council  
**FROM:** Sherry Gordon, Community Development  
Administrator  
**TITLE** Public Hearing for Use of CDBG Program Funds  
FY 2019-20

**A. Action Requested by City Council**

1. Conduct a Public Hearing to receive comments for the FY 2019-20 Annual Action Plan
2. Consider a motion to approve the FY 2019-20 Annual Action Plan

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

Majority present at meeting

**C. Background**

Each year the City must present within its Annual Action Plan submittal to HUD a defined work program for the funding level being sought. The City will submit its action plan to HUD by May 15th. The plan is being made available to the public for a 30 day period which will end on May 15th. To view the Annual Action Plan FY19-20, follow this link: [Annual Action Plan FY 19-20](#)

The Public Hearing allows the City to receive citizen's comments and/or questions on the use of the FY 2019-20 Community Development Block Grant (CDBG) funds.

**D. Fiscal Considerations**

The City expects to receive \$375,358 in CDBG funds in FY 2019-20 (July 1, 2019 - June 30, 2020). It is recommended that the following activities be undertaken with the FY 2019-20 funds:

**A. Anticipated Revenues:**

CDBG Entitlement	\$375,358
Estimated Program Income	-----0-----
<b>TOTAL</b>	<b>\$375,358</b>



**B. Proposed Expenditures**

Infrastructure Improvements	\$ 85,000
Demolition	\$ 30,000
Urgent Repair	\$ 78,983
Section 108 Loan Repayment	\$ 51,304
Public Services	\$ 55,000
General Admin/Fair Housing	\$ 75,071
<b>TOTAL</b>	<b>\$375,358</b>

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

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

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

1. **Motion to approve the FY 2019-20 Annual Action Plan (Recommended)**
2. Use the funds for alternative activities as directed by Council
3. Table action to a future meeting

**ATTACHMENTS:**

File Name

📎 Notice\_of\_Public\_Hearing.pdf





## NOTICE OF PUBLIC HEARING

The Kannapolis City Council will hold a public hearing on Monday, May 13, 2019 at 6:00 p.m. in the Kannapolis City Hall/Police Headquarters, 401 Laureate Way, Kannapolis, NC. The purpose of this hearing is to receive citizens comments and questions on the use of Fiscal Year 2019-2020 Community Development Block Grant (CDBG) and HOME funds from the U.S. Department of Housing and Urban Development (HUD).

Each year the City must develop an Annual Action Plan and budget for submission to HUD for CDBG & HOME funds. The City expects to receive approximately \$375,358 in CDBG funds and approximately \$154,889 in HOME funds. All HUD funds must benefit low and moderate income persons, households or neighborhoods. All specific expenditures are detailed in the FY 2019-2020 Annual Action Plan, available for public inspection at the following locations: City of Kannapolis Administrative Offices, 401 Laureate Way, Kannapolis, NC and from the City's website: [www.kannapolisnc.gov](http://www.kannapolisnc.gov)

### CDBG Proposed Expenditures

Infrastructure Improvements	\$ 85,000.00
Demolition	30,000.00
Urgent Repair	78,983.00
Section 108 Loan Repayment	51,304.00
Non-profit Partnerships	55,000.00
General Administration/Fair Housing	<u>75,071.00</u>
	\$ 375,358.00

### HOME Proposed Expenditures

Homeowner Rehab	\$ 46,122.00
Acquisition& rehab	100,000.00
General Administration	<u>8,767.00</u>
	\$ 154,889.00

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

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



## PUBLICATION DIRECTIONS

Publish in Non-Legal section only with black border.

**Please use all logos!**

Please publish on or before May 3, 2019.

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

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





**City of Kannapolis  
City Council Meeting  
May 13, 2019  
Staff Report**

**TO:** Mayor and City Council  
**FROM:** Sherry Gordon, Community Development  
Program Administrator  
**TITLE** Public Hearing for Use of HOME Program Funds  
FY 2019-20

**A. Action Requested by City Council**

1. Conduct a Public Hearing for Use of HOME FY 2019-20 program funds
2. Motion to approve the Action Plan for the FY 2019-20 HOME Funds to be received from the Cabarrus/Rowan/Iredell HOME Consortium

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

Majority present at meeting

**C. Background**

The City is anticipating receiving \$154,889 from the Cabarrus/Rowan/Iredell HOME Consortium in fiscal year 2019-20 (July 1, 2019 - June 30, 2020). We will also receive \$13,385 in program income which will come from a loan payment from the Villas at Forest Park loan. HOME funds will total \$168,274.

A twenty-five percent (25%) in local match is required to receive the program funds and will be provided by carryover funds from previous years.

The HOME program is a housing program under HUD with an emphasis primarily on affordable housing that must benefit low to moderate income citizens.

The City is required to conduct a public hearing to receive citizen comments and questions about the use of HOME funds each year. The City of Concord, lead agent for the Consortium, will then submit the annual action plan for the HOME program to HUD by May 15, 2019.



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

The City expects to receive \$154,889 in HOME funds in FY 2019-20 (July 1, 2019 - June 30, 2020) and \$13,385 in program income funds. It is recommended that the following activities be undertaken with the FY 2019-20 funds:

##### **A. Anticipated Revenues**

HOME Funds	\$154,889
Program Income	\$ 13,385
<b>TOTAL</b>	<b>\$168,274</b>

##### **B. Proposed Expenditures**

Homeowner Rehab	\$ 59,507
Acquisition & Rehab	\$100,000
General Admin	\$ 8,767
<b>TOTAL</b>	<b>\$168,274</b>

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

None

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

None

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

1. **Motion to approve the Annual Action Plan for the FY 2019-20 HOME funds to be received from the Cabarrus/Rowan/Iredell HOME Consortium (Recommended)**
2. Use the HOME funds for alternative activities as directed by City Council.
3. Table action to a future meeting (not recommended due to HUD deadline to submit plan)

#### **ATTACHMENTS:**

File Name

No Attachments Available





**City of Kannapolis  
City Council Meeting  
May 13, 2019  
Staff Report**

**TO:** Mayor and City Council  
**FROM:** Zachary D. Gordon, AICP, Planning Director  
**TITLE** Public Hearing TA-2019-02 - Time Limit for  
Processing Subdivision Plans

**A. Action Requested by City Council**

1. Conduct Public Hearing for TA-2019-02 - Amend Section 6.1, Table 6-1.1 of UDO
2. Adopt Statement of Consistency for TA-2019-02
3. Adopt Ordinance amending Section 6.1, Table 6-1.1 of UDO

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

Majority present at meeting

**C. Background**

Staff is proposing to amend Article 6.1 of the UDO, by deleting Table 6-1.1, which includes the designated city official/department and time limits for processing subdivision plans. The standards have been incorporated into a separate document from the UDO, titled Development Guidebook: Commercial and Residential Land Development.

To view the LDSM and the City's Standard Details, follow this link: [Development Guidebook: Commercial and Residential Land Development](#), Page 7.

This guidebook will serve as a concise reference guide and include requirements for the submission, review and approval of all land development proposals in the City.

**D. Fiscal Considerations**

None

**E. Policy Issues**

The proposed text amendments to the UDO are attached and shown as **additions and deletions**:



## **F. Legal Issues**

### Text Amendment Process

Article 3.8 of the UDO addresses the procedures for processing amendments to the text of the ordinance. Per Section 3.8.2, “Any person, board, department, or commission may apply for a change in zoning ordinance text”. The proposed text amendments were initiated by the Planning Department.

Per Sections 3.8.3.2 and 3.8.3.3 of the UDO, a majority vote of the Planning and Zoning Commission is required to recommend approval of a text amendment. At its February 6, 2019 meeting, the Planning and Zoning Commission unanimously recommended City Council adoption of the proposed text amendments, which shall either approve, or deny the text amendment by a majority vote. This is the first of a two-step process for adoption of the proposed text amendments. The second step requires City Council to hold a Public Hearing on the proposed text amendment. A First Reading of this text amendment was conducted on March 25th.

### Summary of Proposed Text Amendments

The proposed text amendment to Article 6.1 will transfer the timetable requirements for processing subdivision plans to a document titled: **Development Guidebook: Commercial and Residential Development**. This document is in the final draft stage and will provide developers with a summary of the requirements for the submission, review and approval of all land development proposals in the City.

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

**Planning staff concurs with the recommendation of the Planning and Zoning Commission and recommends City Council adoption of TA-2019-02.**

### **The following actions are required to approve TA-2019-02:**

1. Motion to approve a Resolution to Adopt a Statement of Consistency (attached)
2. Motion to approve an Ordinance to Amend Section 6.1, Table 6-1.1 of the Unified Development Ordinance (UDO) (attached)
- 3.

### **The following are alternate actions to the approval of TA-2019-02:**

1. Take no action. Refer TA-2019-02 back to the Planning and Zoning Commission with recommendations
2. Table action to a future meeting.

### **ATTACHMENTS:**

#### File Name

- ❑ Text\_Amendment\_Application.pdf
- ❑ TA-2019-02\_Statement\_of\_Consistency.pdf
- ❑ Ordinance\_to\_amend\_text\_of\_UDO\_-\_TA\_2019-02.pdf
- ❑ Changes\_to\_UDO\_Article\_6.pdf
- ❑ Public\_Notification\_Ad\_5.13.19.pdf









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

Type of Action Requested (Check One):

Variance	_____	SIA Application	_____
Conditional Use Permit	_____	Nonconformity Adjustment	_____
Subdivision Exception	_____	Watershed Boundary Modification	_____
Zoning Text Amendment	<input checked="" type="checkbox"/>	Zoning Map Amendment	_____
Appeal	_____	Conditional Zoning Map Amendment	_____

Applicant: Zachary D. Gordon, AICP  
Planning Director Owner: \_\_\_\_\_

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

Telephone: 704-920-4355 Telephone: \_\_\_\_\_

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

Legal relationship of applicant to property owner: N/A

Property Location/Address: N/A

Tax Parcel Number: N/A Zoning District: N/A Acreage of Site: N/A

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

[Signature] 1/18/19  
Applicant Signature & Date Property Owner Signature & Date \_\_\_\_\_

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

For Staff Use Only:

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

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





## **CITY OF KANNAPOLIS**

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

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

Article 6, Subdivision Regulations

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

**See attached Staff Report**

---

State your reasons for amending the text of the Ordinance:

**See attached Staff Report**



---

Signature of applicant

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

---





**RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY WITH REGARD TO  
TEXT AMENDMENT TA-2019-02**

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

**WHEREAS**, the text amendment to **Article 6, Subdivision Regulations, Table 6-1.1, Classification of Subdivisions, Section 6.3.4.2, Sketch Plan Submission Requirements and Section 6.4.3.2, Sketch Plan Submission Requirements for Major Subdivisions** to amend the time limit for processing development review applications. This text amendment is consistent with Outcome 6.4 Transparent, Innovative and Responsive Government, of the *Move Kannapolis Forward 2030 Comprehensive Plan*, because it fosters a government system that is responsive to the needs of citizens; and

**WHEREAS**, the City Council conducted a Public Hearing on May 13, 2019 for consideration of text amendment Case# TA-2019-02 as submitted by the Planning Department staff;

**NOW, THEREFORE BE IT RESOLVED** that the City Council finds the text amendment as represented in Case# TA-2019-02 is consistent with the *Move Kannapolis Forward 2030 Comprehensive Plan*, which will simplify and enhance the development plan review process for owners and developers of property within the City.

**Adopted this the 13<sup>th</sup> Day of May 2019;**

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

**ATTEST:**

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





**ORDINANCE TO AMEND TEXT OF THE UNIFIED DEVELOPMENT  
ORDINANCE, ARTICLE 6, SUBDIVISION REGULATIONS,  
TABLE 6.1-1, GENERAL STANDARDS  
CASE # TA-2019-02**

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

**WHEREAS**, per Section 3.8 of the UDO, the Planning and Zoning Commission, at its regular meeting on February 6, 2019, recommended City Council approval of a text amendment amending Article 6, Table 6.1-1; and

**WHEREAS**, City Council conducted a public hearing on May 13, 2019 to consider amendments to the above-reference Articles of the UDO; and

**WHEREAS**, the proposed text amendment is consistent with the City of Kannapolis *Move Kannapolis Forward 2030 Comprehensive Plan*, as well as state statutes, reasonable and in the public interest as detailed in the “Resolution to Adopt a Statement of Consistency for Text Amendment Case # TA-2019-02”;

**NOW, THEREFORE, BE IT ORDAINED**, by the Kannapolis City Council that the above-referenced Articles of the UDO be amended as shown on the attached Exhibit A as additions and ~~deletions~~:

**ADOPTED this the 13th Day of May 2019:**

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

**ATTEST:**

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



# EXHIBIT A TO TA-2019-02

**Table 6-1.1 Classification of Subdivisions**

<del>(A)</del>		<del>(B)</del>	<del>(C)</del>
<del>CLASSIFICATION</del>	<del>STAGE</del>	<del>DESIGNATED AGENCY (DECISION MAKER)</del>	<del>TIME LIMIT FOR PROCESSING</del>
<del>Minor Subdivision</del>	<del>Sketch Plat</del>	<del>Administrator</del>	<del>15 working days</del>
<del>Minor Subdivision</del>	<del>Final Plat</del>	<del>Administrator</del>	<del>15 working days</del>
<del>Major Subdivision</del>	<del>Sketch Plat</del>	<del>Administrator</del>	<del>15 working days</del>
<del>Major Subdivision</del>	<del>Preliminary Plat</del>	<del><sup>(1)</sup>Technical Review Committee</del>	<del>30-60 days</del>
<del>Major Subdivision</del>	<del>Final Plat</del>	<del>Administrator</del>	<del>15 working days</del>
<del>Construction Plans</del>	<del>—</del>	<del>Public Works Director, as delegated by this Ordinance</del>	<del>30 days</del>
<del>Exception from Subdivision Ordinance (see § 6.4.16)</del>	<del>—</del>	<del>Planning &amp; Zoning Commission</del>	<del>Reasonable period of time, depending on circumstances and scope of application</del>



**6.4.8.9.** The final subdivision plat application shall be accompanied by all formal irrevocable offers of dedication to the public of all streets, local government uses, utilities, parks, and easements, and the subdivision plat shall be marked with a notation indicating the formal offers of dedication as set forth in Appendix B.

**6.4.8.10.** In addition to the criteria as set forth in § 6.2 of this Ordinance, the Administrator shall not approve a final plat unless and until satisfactory evidence is filed that the final plat is in a form acceptable for recording with the Register of Deeds, and that all improvements have been satisfactorily installed or Subdivision Improvement Agreements have been signed by the applicant. The subdivider will also be required to submit a final subdivision plat fee, payment of all design costs for improvements, and appropriate performance surety.

**6.4.8.11.** The final plat shall comply with any staging or sequence plan set forth in the preliminary plat.

**6.4.8.12.** The applicant shall place reference monuments in the subdivision as required by NCGS § 47-30.

#### **6.4.9. PHASING OF A PRELIMINARY PLAT.**

Whenever a subdivider applies for approval of a final plat which contains only a portion of the land encompassed in the approved preliminary plat, the final plat shall coincide with phase lines as established on the preliminary plat. Phasing of a preliminary plat shall not be permitted unless the phase lines are established and approved under the action of the Planning and Zoning Commission.

#### **6.4.10. RECORDING A FINAL PLAT.**

**6.4.10.1.** Within the time period prescribed by Table 6.4-1 of this Ordinance, after final plat approval, the applicant shall file the plat with the Register of Deeds as provided by law. The final plat approval shall expire within the above-referenced time period, unless the Administrator has granted an extension. Failure to record the final plat within the time frame noted shall cause the final plat approval to be void, and shall require a new application.

**6.4.10.2.** The applicant shall return a reproducible (mylar) copy of the recorded plat to the office of the Administrator.

**6.4.10.3. Plat Review Officer.** Final plats for major subdivisions shall be reviewed by a Review Officer in the same manner as set forth in § 6.3.7.4 of this Ordinance.

#### **6.4.11. SCOPE OF APPROVAL FOR FINAL PLAT.**

**6.4.11.1.** Approval of the final plat for a subdivision or section thereof shall not be deemed to be acceptance by the city or state of any street, alley, public space, utility or other physical improvements shown on the final plat and engineering plans for the maintenance, repair or operation thereof. (See § 6.4.13 for acceptance).

**6.4.11.2.** No zoning clearance permit or building permit shall be issued or approved until the expiration of ten (10) business days after a final plat has been recorded. The purpose of this time period is to permit the assignment of addresses and P.I.N.s (Parcel Identification Numbers) in the Land Records office of Cabarrus (or Rowan) County.

#### **6.4.12. CONSTRUCTION PLANS.**

**6.4.12.1.** Following approval of the Preliminary Plat, the applicant shall have prepared, by a professional engineer or professional landscape architect, registered in the State of North Carolina, construction plans, consisting of complete construction drawings and specifications of all easements, streets, traffic control devices, street lights, sanitary sewers, storm water facilities, water system facilities, sidewalks and other improvements required by Appendix C and the [Land Development Standards Manual \(LDSM\)](#) of this Ordinance and any additional technical manuals as adopted by the City. Construction plans shall be submitted to the Public Works Director for review and approval as an administrative permit. All improvements required pursuant to these regulations shall be constructed in accordance with the applicable requirements of this Ordinance, and, where applicable, the requirements and authorization of the appropriate state agency, utility company or local franchisee.

**6.4.12.2.** The Administrator shall delegate the authority to review and approve all construction plan applications to the Public Works Director.

**6.4.12.3.** All installations of improvements shall



conform to the approved construction plans. If the applicant chooses to make modifications in design and/or specifications prior to construction, such changes shall be subject to review and approval by the Public Works Director. It shall be the responsibility of the applicant to notify the Administrator in advance of any changes to be made from the approved drawings. In the event that actual construction work deviates from that shown on the approved construction plans, such unapproved work shall constitute a violation of this Ordinance and shall be remedied in accordance with Section 1.6. The applicant shall be required to correct the installed improvements to conform to the approved construction plans. In addition, the Administrator may take such other actions as may be deemed appropriate including, but not limited to, revocation of permits already issued and/or withholding of future approvals and permits until the violation is corrected.

#### **6.4.12.4. As-Built Drawings.**

Prior to final inspection of the required improvements, the applicant shall submit to the Administrator, per the Land Development Standards Manual (LDSM), one (1) reproducible copy and two (2) prints of as-built engineering drawings for each of the required improvements that have been completed. Each set of drawings shall be re-certified by the applicant's engineer indicating the date when the as-built survey was made.

**6.4.12.4.1.** As-built drawings shall show the constructed vertical elevation, horizontal location and size of all sanitary and storm sewers, manholes, inlets, junction boxes, detention basins and other appurtenances or elements of the sewerage and storm drainage systems constructed to serve the subdivision. In conjunction with the submittal of engineering plans and specifications, the subdivider shall be required to demonstrate compliance with the Sedimentation Control Standards of the overall area proposed to be developed. The subdivider shall cause all grading, excavations, open cutting and similar land surface disturbances to be mulched, seeded, sodded or otherwise protected to ensure compliance with the City's Sedimentation Control Standards. No work shall be initiated relative to the preparation of land or the installation of general improvements until such time as all aspects of the subdivider's engineering plans and sedimentation control proposals have

received approval.

**6.4.12.4.2.** As-built drawings shall depict water lines, valves, fire hydrants and other appurtenances or elements of the water distribution system constructed to serve the project. Such information shall include the horizontal location and size of water lines and location and description of valves with dimensional ties.

**6.4.12.4.3.** As-built drawings shall depict the location of all street rights-of-way, alignments, widths and vertical elevations.

**6.4.12.4.4.** As-built drawings shall show all control points and monumentation.

#### **6.4.13. INSPECTION OF IMPROVEMENTS.**

**6.4.13.1.** During the preparation of land and the installation of general improvements, periodic inspections shall be made to ensure conformity with the approved plans, specifications and standards. Appropriate agencies of the city and state may make inspections at any time during the progress of work.

**6.4.13.2.** All improvements required by these regulations shall be inspected prior to acceptance by the City. Where inspections are made by individuals or agencies, other than the Public Works Director, (or his/her designee), the applicant shall provide the Public Works Director with written reports of each final inspection.

**6.4.13.3.** Prior to beginning construction, the applicant shall arrange with the Public Works Director a pre-construction meeting for the purpose of coordinating construction activities.

**6.4.13.4.** It shall be the responsibility of the applicant to notify the Public Works Director (or his/her designee) of the commencement of construction of improvements one (1) full working day prior thereto. Inspections shall be required at each of the following stages of construction or as otherwise determined through and owner contract or development improvement agreement:

- Site grading/erosion control completion
- Underground utility installation
- Subgrade preparation prior to aggregate base installation
- Aggregate base compaction



**Table 6.6-2. Maximum Number of Flag Lots**

Size of Subdivision	Maximum Number or Percentage (%) of Flag Lots
2 – 20 lots	1 lot
Over 20 lots	1 per every 20 lots

- This table does not apply to the AG District. The AG district does not have a limit on the number of flag lots.
- The Administrator may approve additional flag lots if evidence is presented that physical hardships prevent development of land using conventional lot design.

#### **6.6.9. INFRASTRUCTURE STANDARDS.**

##### **6.6.9.1. Standards for Street Design.**

Public and/or private streets shall be designed in accordance with Article 10 of this Ordinance and the Land Development Standards Manual (LDSM).

##### **6.6.9.2. Standards for Utilities.**

Standards for the design and installation of public utilities shall be in accordance with Appendix C of this Ordinance and the Land Development Standards Manual (LDSM).





## Order Confirmation

Order# 0000562897

PO Box 27283  
Richmond, VA 23261-7283

**Client:** KANNAPOLIS, CITY OF  
**Phone:** 7049204300

**Payor:** KANNAPOLIS, CITY OF  
**Phone:** 7049204300

**Account:** 3143368

**Account:** 3143368

**Address:** ACTS PAYABLE/WANDA/TEARSHEETS  
KANNAPOLIS NC 28081

**Address:** ACTS PAYABLE/WANDA/TEARSHEET  
KANNAPOLIS NC 28081

**Sales Rep** aboan  
**Accnt Rep** aboan  
**Ordered By** Pam

**Fax:** 7049337463  
**Email:** byow@kannapoliscnc.gov

**Total Amount** \$524.08  
**Payment Amount** \$524.08

**Amount Due** \$0.00

**Tax Amount:** 0.00

**Payment Meth:** Credit - Debit Card

**Tear Sheets** 0

**Proofs** 0

**Affidavits** 1

**PO Number:**

**Ad Number**  
0000562897-01

**Ad Type**  
CLS Liner

**Ad Size**  
2 X 42 li

**Color**  
\$0.00

**Production Method**  
AdBooker (liner)

### Production Notes

Product and Zone	Placement	Position	# Inserts
CON Independent Trib	C-Announcements	General-Spec Notice	2

**Run Schedule Invoice Text:** NOTICE OF PUBLIC HEARING City Council Meeting 401

**Run Dates** 5/3/2019, 5/10/2019

**TagLine:** NOTICE OF PUBLIC HEARING CITY COUNCIL MEETING 401 LAUREATE WAY KANNAPOLIS NC 28081 MONDAY  
MAY 13 2019 AT 6:00 PM PUBLIC HEARING NOTICE TEXT AMENDMENT



**NOTICE OF PUBLIC HEARING**  
City Council Meeting  
401 Laureate Way, Kannapolis, NC 28081

**Monday, May 13, 2019 at 6:00 pm**

### Public Hearing Notice

**Text Amendment - TA-2019-01** - Public hearing to consider a text amendment to Articles 3, 4, 6, 8, 9, 10 and 11, and Appendices A, B, C and D of the Unified Development Ordinance amending the required land development standards for all development projects within the City of Kannapolis.

**Text Amendment - TA-2019-02** - Public hearing to consider a text amendment to Article 6 of the Unified Development Ordinance amending the time limit for processing the different classification of applications related to subdivisions and construction plans.

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

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

**Publish:** Friday, May 3, 2019, Friday, May 10, 2019





**City of Kannapolis  
City Council Meeting  
May 13, 2019  
Staff Report**

**TO:** Mayor and City Council  
**FROM:** Zachary D. Gordon, AICP, Planning Director  
**TITLE** Minimum Housing Code Violation 1428 West A Street

**A. Action Requested by City Council**

Motion to adopt an Ordinance to demolish the substandard structure located at 1428 West A Street.

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

Majority present at meeting

**C. Background**

According to public records the property was purchased on May 17, 2004. While it is uncertain how long the power has been off, water records reveal that no water usage has occurred since it was purchased in 2004. The taxes were behind but have recently been caught up and are current. On February 26, 2018 a building permit was issued for a residential repair. The building permit was issued just prior to the hearing held with the owner on February 27, 2018. No record of inspections have occurred since it was obtained.

On April 26, 2019 a meeting was held with the property owner at the house. No sign of progress was seen from the interior nor the exterior. The power was off and there was no way to tell if the HVAC, or other electrical systems worked. The water was off and it was not possible to determine if any remaining plumbing was operational. Overhead water damage was observed but it was not clear if the leak was still active.

**D. Fiscal Considerations**

Funding to demolish this structure is available in the Planning Department budget. The expected cost to demolish the house is approximately \$3,000 plus the cost to remove any asbestos found during an inspection.

**E. Policy Issues**

None



## **F. Legal Issues**

None

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

1. **Motion to adopt an Ordinance to demolish the substandard structure 1428 West A Street (Recommended)**
2. Do not adopt the Ordinance and take no action
3. Table action to a future meeting

### ATTACHMENTS:

#### File Name

- 📎 Demo\_Ordinance\_1428\_West\_A\_Street.doc
- 📎 Hearing\_Notice\_1428\_West\_A\_St\_CE17-1973.docx
- 📎 Exhibit\_A\_1428\_West\_A\_Street.doc
- 📎 Lis\_Pendens\_1428\_West\_A\_CE17-1973.docx
- 📎 Findings\_CE17-1973\_1428\_West\_A.docx
- 📎 101\_0150.JPG
- 📎 101\_0153.JPG
- 📎 101\_0155.JPG
- 📎 101\_0574.JPG
- 📎 101\_0575.JPG



**File No. CE17-1973**

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

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

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

**WHEREAS**, the owner of this dwelling has been given a reasonable opportunity to bring the dwelling up to the standards of the Minimum Housing Code in accordance with NCGS 160A-443(5) pursuant to an order issued by the Code Enforcement Officer/Housing Inspector on **January 30, 2018**, and the owner has failed to comply with the Order;

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

Section 1. The owner of such building(s), dwelling(s) and premises is hereby ordered to vacate any occupants or personal property therein on or before **June 1, 2019**.

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

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

on the building located at the following address:

**1428 West A Street (Rowan County Property Identification Number 153-078)**

Section 3. The Code Enforcement Officer/Housing Inspector is hereby authorized and directed to proceed to remove or demolish the above described structure in accordance with his order to the owner thereof dated the **27<sup>th</sup> of May 2018**, and in accordance with the Housing Code and NCGS 160A-443;

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



property is located, and shall be indexed in the name of the property owner in the grantor index, as provided by NCGS 160A-443(5).

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

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

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

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

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

ATTEST:

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





File No. CE17-1973

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

**TO:** Owners and parties in interest in the property located at **1428 West A Street (PIN 153-078)**, in the City of Kannapolis, North Carolina.

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

**See Exhibit "A" Enclosed.**

**YOU ARE FURTHER NOTIFIED** that a hearing will be held before the Inspector of the City of Kannapolis 401 Laureate Way at **10:00 A.M on February 27, 2018** for the purpose of finding the facts as to whether or not the condition of such property falls within the scope of the above mentioned sections of the Minimum Housing Code. At the hearing, you shall be entitled to offer such evidence as is relevant to material to the questions sought to be determined or the remedies to be effected.

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

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

**This the 6th day of February 2018.**

---

Tony W. Cline  
Housing Inspector



**"Exhibit A"**  
**Inspection conducted on February 1, 2018**  
**1428 West A Street**

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

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

Inadequate facilities for egress in case of fire or panic

Defects significantly increasing the hazards of fire, accident or other calamities (incomplete wiring)

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

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

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

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

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

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

**Repair cost is expected to be more than \$8,484.50 which is 50% of the tax value of the building. The total tax value of the building is \$16,969.00**



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

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

1. This code enforcement proceeding is pending before the Housing Inspector of the City of Kannapolis, 401 Laureate Way, Kannapolis, NC 28081.

2. The parties to this code enforcement action are:

David H. Drake \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

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

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

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

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

**1428 West A Street**

Rowan County Tax Department Parcel Identification Number (PIN#) **153-078**

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

Date: **April 29, 2019**

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

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



January 30, 2018

File No. CE17-1973

### FINDINGS OF FACT AND ORDER

TO: Owners and parties of interest of the property located at **1428 West A Street (153-078), in the City of Kannapolis, North Carolina.**

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

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

1. The above-named owners and parties in interest with respect to the property located at the place specified above were duly served as required by law with written Complaint and Notice of Hearing which set forth the Complaint that the premises located at the above address is in violation of the City of Kannapolis Minimum Housing Code and the particulars thereof, and fixed a time and place for a hearing upon the Complaint as provided by law. At the hearing, the following owners, persons in interest or their agents or their agent's attorneys, were present and participated therein:

**David Drake**

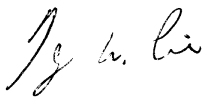
2. The premises described above does violate the City of Kannapolis Minimum Housing Code by reason of the conditions found to be present and to exist in and about the structure.

3. Due to these conditions, the building and/or premises described above is within the meaning of the City Minimum Housing Code, so as to be unfit for occupation.

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

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

**By a date no later than the 27<sup>th</sup> day of May, 2018.**



Tony W. Cline  
Code Enforcement Officer





2019/02/08  
10:10





2019/02/08  
10:12





2019/02/08  
10:13





2019/04/26  
04:07





2019/04/26  
04:07





**City of Kannapolis  
City Council Meeting  
May 13, 2019  
Staff Report**

**TO:** Mayor and City Council  
**FROM:** Zachary D. Gordon, AICP, Planning Director  
**TITLE** Minimum Housing Code Violation 601 Walter Street

**A. Action Requested by City Council**

Public Hearing and adopt an Ordinance to demolish the house and outbuilding located at 601 Walter Street.

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

Majority present at meeting

**C. Background**

According to public records, the property was purchased by its current owner on December 31, 2007. The water and power have been off since around March 14, 2008. As of November 2018 taxes were owed in the amount of \$5,713.19, plus violation abatements and additional taxes since levied on the property.

Parties of interest that were revealed on a title search have been sent all required notices and warnings related to the substandard property. No parties of interest have made contact with staff, nor have any compliance measures been attempted.

Due to water damage, rotting wood, foundation decay, and lack of property maintenance the structure and the property have become a negative mark on the community where new houses are being built. Along with the demolition of the house, the outbuilding should be demolished since an accessory building is not allowed without a primary structure.

**D. Fiscal Considerations**

Funding to demolish this structure is available in the Planning Department budget. The expected cost to demolish the house is approximately \$3,000 plus the cost to remove any asbestos found during an inspection. The expected cost to demolish the outbuilding on the property is expected to be an additional \$1,500.



<b>E. Policy Issues</b>
-------------------------

None

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

None

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

1. **Motion to adopt an Ordinance to demolish the substandard structure located at 601 Walter Street (Recommended)**
2. Do not adopt the Ordinance and take no action.
3. Table action to a future meeting.

**ATTACHMENTS:**

**File Name**

- ❏ Demo\_Ordinance\_601\_Walter\_St.doc
- ❏ Hearing\_Notice\_601\_Walter\_St\_CE19-1006.docx
- ❏ Lis\_Pendens\_601\_Walter\_St\_CE19-1006.docx
- ❏ Exhibit\_A\_601\_Walter\_St\_CE19-1006.doc
- ❏ Findings\_601\_Walter\_St\_CE19-1006.docx
- ❏ 100\_1560.JPG
- ❏ 100\_1575.JPG
- ❏ 100\_1563.JPG
- ❏ 100\_1565.JPG
- ❏ 100\_1573.JPG



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

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

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

**WHEREAS**, the owner of this dwelling has been given a reasonable opportunity to bring the dwelling up to the standards of the Minimum Housing Code in accordance with NCGS 160A-443(5) pursuant to an order issued by the Code Enforcement Officer/Housing Inspector on **December 28, 2018**, and the owner has failed to comply with the Order;

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

Section 1. The owner of such building(s), dwelling(s) and premises is hereby ordered to vacate any occupants or personal property therein on or before **June 1, 2019**.

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

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

on the building located at the following address:

**601 Walter Street (Cabarrus County Property Identification Number 5613-86-5665)**

Section 3. The Code Enforcement Officer/Housing Inspector is hereby authorized and directed to proceed to remove or demolish the above described structure in accordance with his order to the owner thereof dated the **28<sup>th</sup> day of March 2019**, and in accordance with the Housing Code and NCGS 160A-443;

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



property is located, and shall be indexed in the name of the property owner in the grantor index, as provided by NCGS 160A-443(5).

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

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

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

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

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

ATTEST:

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



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

**TO:** Owners and parties in interest in the property located at 601 Walter Street **(5613-86-5665)**, in the City of Kannapolis, North Carolina.

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

**See Exhibit "A"**

**YOU ARE FURTHER NOTIFIED** that a hearing will be held before the Inspector of the City of Kannapolis at 401 Laureate Way at **10:00 A.M on December 28, 2018** for the purpose of finding the facts as to whether or not the condition of such property falls within the scope of the above mentioned sections of the Minimum Housing Code. At the hearing, you shall be entitled to offer such evidence as is relevant to material to the questions sought to be determined or the remedies to be effected.

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

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

**This the 12<sup>th</sup> day of December 2018.**



---

Tony W. Cline  
Housing Inspector



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

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

1. This code enforcement proceeding is pending before the Housing Inspector of the City of Kannapolis, 401 Laureate Way, Kannapolis, NC 28081.

2. The parties to this code enforcement action are:

John Kalendek

Farrar Griggs, Trustee for Sunbelt Rental

Sunbelt Rental and Development Inc.

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

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

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

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

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

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

**601 Walter Street**

Cabarrus County Tax Department Parcel Identification Number (PIN#) **5613-86-5665**

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

Date: **April 29, 2019**

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

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



**"Exhibit A"**  
**Inspection conducted on November 27, 2018**  
**601 Walter Street**

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

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

Inadequate facilities for egress in case of fire or panic

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

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

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

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

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

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

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

**Repair cost is expected to be more than \$16,160 which is 50% of the tax value of the building. The total tax value of the building is \$32,320.00**



December 28, 2018

File No. CE19-1006

### FINDINGS OF FACT AND ORDER

TO: Owners and parties of interest of the property located at **601 Walter Street (PIN 5613-86-5665), in the City of Kannapolis, North Carolina.**

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

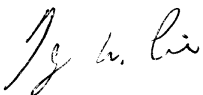
Upon the record and all of the evidence offered and contentions made, the undersigned Minimum Housing Code Inspector does hereby find the following facts:

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

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

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

**By a date no later than the 28th day of March, 2019.**



Tony W. Cline  
Code Enforcement Officer





11/27/2018  
10:32





11/27/2018  
10:37





11/27/2018  
10:32





11/27/2018  
10:33





11/27/2018  
10:36