



KANNAPOLIS CITY COUNCIL

MEETING AGENDA
Kannapolis City Hall
401 Laureate Way, Kannapolis NC
April 22, 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. National Volunteer Week April 21-27, 2019

RECOGNITIONS

1. 2019 KPD Citizen's Police Academy Graduation (Woody Chavis, Police Chief)
2. 2019 KFD Citizen's Fire Academy Graduation (Ernie Hiers, Fire Chief)

APPROVAL/CORRECTION OF MINUTES

1. March 25, 2019 Regular Meeting Minutes
2. April 08, 2019 Regular Meeting Minutes
3. Closed Session Minutes March 25, 2019
4. Closed Session Minutes April 08, 2019

CONSENT AGENDA - Motion to Adopt Consent Agenda or make revisions

1. Request to consider withdrawal of an unopened portion of R-O-W located between 1010 Birch Street and 1005 Pine Street and establish the Public Hearing date on May 22, 2019 (Wilmer Melton, III - Director of Public Works)
2. Request to consider withdrawal of an unopened portion of R-O-W located on Caldwell Street and establish the Public Hearing date for May 22, 2019 (Wilmer Melton, III, Director of Public Works)

BUSINESS AGENDA

- A. 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)

- B. Public Hearing to consider a request to withdrawal from dedication a portion of Quebec Court R-O-W located off Kannapolis Parkway (Wilmer Melton, III - Director of Public Works)
- C. Public Hearing and adoption of an Ordinance to demolish the substandard structure at 151 Waco Avenue (Zachary D. Gordon, AICP, Planning Director)
- D. Public Hearing and adoption of an Ordinance to demolish the substandard structure at 409 Oak Circle (Zachary D. Gordon, AICP, Planning Director)
- E. Resolution approving an Ordinance establishing a Community Improvement Commission (Mike Legg, City Manager)
- F. Resolution approving the Fishertown Action Plan (Walter M. Safrit II, City Attorney; Bridgette Bell, City Clerk)
- G. Amend the Regular Schedule Meeting and cancel the May 27, 2019 City Council Meeting due to the Holiday (Mike Legg, City Manager)

CITY MANAGER REPORT

CITY COUNCIL COMMENTS

SPEAKERS FROM THE FLOOR

In order to speak to Council, please fill out a white card and return to the City Clerk. Cards are located on the table as you enter the meeting room. Please limit comments to 3 minutes

CLOSED SESSION

GS. 143-318.11 (a) (3) to consult with an attorney in order to preserve the attorney client privilege and G.S. 143.318.11 (a) (4) for discussing matters relating to the location or expansion of industries or businesses in the area and G.S. 143-318.11 (a) (6) for the purpose of discussing personnel matters (Mayor Pro tem Haas)

MOTION TO CONTINUE MEETING TO TUESDAY, MAY 7, 2019, 6:00PM TO THE EXECUTIVE CONFERENCE ROOM, SECOND FLOOR

UPCOMING SCHEDULE

May 7, 2019 (Continued from April 22, 2019)
May 13, 2019 (Regular Meeting)
May 22, 2019 (Continued from May 13, 2019)
May 27, 2019 (Cancelled due to Memorial Day Holiday)

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 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

NATIONAL VOLUNTEER WEEK
April 21-27, 2019

WHEREAS, there are volunteers in our community who give their time and effort to help others through their church, community organizations, service clubs, schools, hospitals, charitable organizations and other worthy endeavors; and

WHEREAS, volunteers can connect with local community service opportunities through hundreds of community service organizations, and

WHEREAS, every day, volunteers help shape the policies that keep our City moving forward and City government could not function without volunteers who serve on our boards, commissions, task forces and committees; and

WHEREAS, National Volunteer Week is an opportunity to thank all the thousands of volunteers across the country who keep many organizations running, communities safe and provide services that otherwise would not exist without volunteers. It's time to consider volunteering or providing support to those organizations vital to our community.

NOW, THEREFORE, BE IT RESOLVED that the Kannapolis City Council declare the week of April 21-27, 2019 as:

“NATIONAL VOLUNTEER WEEK”

in the City of Kannapolis and honor the hard work and selfless dedication of our volunteers who make our City a better place to live and work.



IN WITNESS THEREFORE, I have set my hand and caused the Great Seal of the City of Kannapolis to be affixed this 22nd day of April, 2019.

Milton D. Hinnant



**City of Kannapolis
City Council Meeting
April 22, 2019
Staff Report**

TO: Mayor and City Council
FROM: Woody Chavis, Police Chief
TITLE 2019 KPD Citizen's Police Academy Graduation

A. Action Requested by City Council

2019 KPD Citizen's Police Academy Graduation (Police Chief Chavis)

B. Required Votes to Pass Required Action

Presentation Only, no action required

C. Background

The Citizen's Police Academy was designed to foster closer and meaningful relationships between the police department and the citizens we serve. We want these graduates to be ambassadors, not only for our department but for the law enforcement profession as a whole. As you all know, most citizens can only formulate their opinion of their local police department or law enforcement by what is broadcast by the media. Usually that is when there is a controversial issue or when the actions of an officer may be questionable.

This academy gives the students an insight into all aspects of our operations that most non-law enforcement do not get the opportunity to see or experience. It is one of the great ways that we can further promote transparency.

I am happy to stand before you this evening and honor a great bunch of people who were the members of our Spring 2019 Police Citizen's Academy. As with prior classes we couldn't have picked a more diverse and committed bunch of citizens. I want to commend them for their enthusiasm, interest, and patience as we conducted the class. We covered a great deal of information and topic areas in a short period of time and tried to do it so that we provided them with good factual information while at the same time make it fun and interesting. We attempted to keep them involved, active, and give them practical hands on segments to improve the learning experience.

We gave them information that would provide them with a real-life perspective of the profession and our department.

I am proud to present to you the Spring 2019 graduating class of the Kannapolis Police Department's Citizen's Police Academy.

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

D. Fiscal Considerations

None

E. Policy Issues

None

F. Legal Issues

None

G. Alternative Courses of Action and Recommendation
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None

ATTACHMENTS:

File Name

No Attachments Available



**City of Kannapolis
City Council Meeting
April 22, 2019
Staff Report**

TO: Mayor and City Council
FROM: Ernie Hiers, Fire Chief
TITLE 2019 KFD Citizen's Fire Academy Graduation

A. Action Requested by City Council
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Presentation Only, no action required

B. Required Votes to Pass Required Action
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Presentation Only, no action required

C. Background

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

We again had a great group of citizens who were not only eager to learn more about our department but were also willing to participate in as many of the activities as they were able to. We as a department quickly learned that a lot of the things that we take for granted that everyone understood about the fire service is not always the norm for what public perception is. As the class went on the group worked well together and friendships were formed within the group all while learning more about the fire service at the same time.

It is our privilege to present to you the graduating class of the 2019 Kannapolis Fire Citizens Academy:

Participants:

Eric Atkinson
Madelynn Elkins
Debbie Funderburk
Vicki Graham
Randy McBride
Shelley McBride

Mason Nance
Nicholas Reese
Nancy Rumble
Kathleen Tilghman

D. Fiscal Considerations

None

E. Policy Issues

None

F. Legal Issues

None

G. Alternative Courses of Action and Recommendation

None

ATTACHMENTS:

File Name

No Attachments Available

**CITY OF KANNAPOLIS
COUNCIL MEETING MINUTES
March 25, 2019**

A regular meeting of the City Council of the City of Kannapolis, North Carolina was held on Monday, March 25, 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: Ryan Dayvault
Roger Haas
Van Rowell
Diane Berry
Doug Wilson
Tom Kincaid

Council Members Absent: None

City Manager: Mike Legg

Deputy City Manager: Eddie Smith

City Clerk: Bridgette Bell

City Attorney: Walter M. Safrit

Staff Present: Eric Davis Gary Mills
Wilmer Melton Woody Chavis
Terry Clanton Tina Cline
Zac Gordon Tony Eury
Jason May Irene Sacks
Ernie Hiers Annette Privette Keller
Sherry Gordon Terry Spry
Donie Parker

Visitors Present: Mark Spitzer David Miller
Steve Ross Violet Elaine Mitchell
Jeff Young Mayo Caldwell
Linda Diego Kymbra Lawson
Nathan Payne Bobbi Hague
Jennifer Hyatt Cory Kluttz
Chris Hill Raegan Koon
Yvonne Herman Steven Herman

John Tuttle Sophia Wilkinson
Tim Richards Nate Baker

CALL TO ORDER AND WELCOME:

Mayor Hinnant called the meeting to order and welcomed those in attendance. A moment of silent prayer and the Pledge of Allegiance was led by Mayor Pro tem Haas.

ADOPTION OF AGENDA:

Mayor Hinnant noted a revised agenda adding two budget amendments. Council Member Wilson made a motion to approve the revised agenda. Motion was seconded by Council Member Dayvault and approved by unanimous vote.

FIRST READING

Consider amendments to Kannapolis Code of Ordinances (Walter M. Safrit, II, City Attorney)
First Reading.

Consider text amendments to various sections of the Unified Development Ordinance (UDO) to remove the land development standards currently located in the UDO and incorporating those development standards into a separate document, titled: Land Development Standards Manual (LDSM) (Zachary D. Gordon, AICP, Planning Director)

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. The standards have been incorporated into a separate document from the UDO, titled Development Guidebook: Commercial and Residential Land Development. This document is currently in the final draft stage (Zachary D. Gordon, AICP, Planning Director)

PROCLAMATION

Mayor Hinnant presented Sherry Gordon, CDBG Program Administrator a Proclamation declaring April as Fair Housing month.

APPROVAL OF MINUTES

Motion was made by Council Member Dayvault to approve the January 28, 2019 continued from January 14, 2019 meeting minutes. Motion was seconded by Council Member Berry and approved by unanimous vote.

Motion was made by Council Member Kincaid to approve the January 28, 2019 Regular Meeting Minutes. Motion was seconded by Council Member Dayvault and approved by unanimous vote.

Motion was made by Council Member Wilson to approve the February 11, 2019 Regular Meeting Minutes. Motion was seconded by Council Member Dayvault and approved by unanimous vote.

Motion was made by Council Member Kincaid made a motion to approve the February 25, 2019 Regular Meeting Minutes. Motion was seconded by Mayor Pro tem Haas and approved by unanimous vote.

1 Motion was made by Council Member Berry to approve the January 28, 2019 Closed Session
2 Meeting Minutes. Motion was seconded by Council Member Dayvault and approved by
3 unanimous vote.

4 Motion was made by Council Member Kincaid to approve the February 25, 2019 Closed Session
5 Meeting Minutes. Motion was seconded by Mayor Pro tem Haas and approved by unanimous vote.

6
7 **CONSENT AGENDA:**

8 Motion was made by Mayor Pro tem Haas and seconded by Council Member Wilson to approve
9 the Consent Agenda. The motion was approved by unanimous vote.

10
11 Resolution adopting a new 2019 Records Retention and Disposition Schedule (Bridgette Bell, City
12 Clerk) (Copy included as Exhibit A)

13
14 Request to consider withdrawal from dedication a portion of R-O-W known as Quebec Court
15 located off Kannapolis Parkway and establish a Public Hearing date (Wilmer Melton, III, Director
16 of Public Works) (Copy included as Exhibit B)

17
18 Agreement between the City of Kannapolis and the Kannapolis YMCA for use of the YMCA
19 parking lots (Gary Mills, Parks and Recreation Director) (Copy included as Exhibit C)

20
21 Adopt an Ordinance amending the Budget for the new Point of Sale (POS) system at the City parks
22 (Gary Mills, Director of Parks and Recreation) (Copy included as Exhibit D)

23
24 Award 2019 Street Resurfacing Contract to lowest responsible bidder and authorize the City
25 Manager to execute contract (Wilmer Melton, III, Director of Public Works) (Copy included as
26 Exhibit E)

27
28 **BUSINESS AGENDA:**

29 **Public Hearing for voluntary annexation of unaddressed property located on Moose Road**
30 **(Rowan County PIN 145-063-02) and adopt an Ordinance to annex (Zachary D. Gordon,**
31 **AICP, Planning Director) (Copy included as Exhibit F)**

32 Planning Director, Zac Gordon, provided a PowerPoint presentation regarding the voluntary
33 contiguous annexation of property located on Moose Road.

- 34
35
 - Property Owner: Brian and Amanda Rabon
 - 36 • Applicant: PP&I, LLC
 - 37 • Property Location: Unaddressed parcel located on Moose Road
 - 38 • Property Area: Approximately 5.91 +/- acres
 - 39 • Rowan Parcel Identification Number: (145 063 2)
 - 40 • Existing Zoning: City of Kannapolis Zoning Designation RM-2 (Residential Medium
 - 41 Density)
 - 42 • Proposed Zoning: To remain the same
 - 43 • Property located on south side of Moose Road, east of China Grove Road
 - 44 • Applicant has submitted petition requesting contiguous "Voluntary Annexation".
 - 45 • Property currently located within Rowan County's Extra Territorial Jurisdiction (ETJ) area
 - 46 of the City of Kannapolis

- The applicant is requesting annexation to facilitate the extension of city utilities to this site. The subject property adjoins and is part of a subdivision located partially with the City's corporate limits.

At the January 28th City Council Meeting, the City Clerk presented a Certificate of Sufficiency and Council adopted a Resolution of Intent to annex and set a public hearing. There being no comments or questions, Mayor Hinnant opened the public hearing to those in attendance for an opportunity to speak.

Jeff Young of 2578 Sudberry Lane, Concord, spoke on behalf of Steve Ross, Developer. Everything is in line for annexation and respectfully request that Council approve the annexation request.

There being no further speakers, Mayor Hinnant closed the public hearing.

Council Member Dayvault made a motion to adopt an Ordinance for voluntary annexation of unaddressed property located on Moose Road (Rowan County PIN 145-063-02). Motion was seconded by Council Member Wilson and approved by unanimous vote.

Presentation of UDO Assessment and proposed outline for new Kannapolis Development Ordinance (KDO) by Clarion Associates (Zachary D. Gordon, AICP, Planning Director) (Copy included as Exhibit G)

Clarion Associates has been hired by the City to update the Kannapolis Unified Development Ordinance (UDO), which was adopted in November of 2000. Planning staff has been working closely with Clarion on this update since the Fall of 2018. The updated document will be referred to as the Kannapolis Development Ordinance (KDO). Clarion has recently completed a comprehensive assessment of the existing UDO and will be presenting its summary of that assessment to City Council, along with an overview of the proposed outline for the KDO. A similar presentation was made to the Planning and Zoning Commission at its March 6th meeting.

Planning Director Gordon introduced Clarion Associates Tim Richards and Nate Baker to provide their assessment of the existing Unified Development Ordinance (UDO).

Mr. Richards provided a PowerPoint presentation which included the purpose of the UDO Assessment, the schedule for completing the rewrite, and the organization of the assessment. Mr. Richards stated that the current UDO is outdated and that various text amendments completed over the years have created complexity. He added that conditions in Kannapolis have significantly changed over the last 20-years and with the adoption of the Move Kannapolis 2030 Comprehensive Plan (2030 Plan), updating the UDO was necessary to better align with the 2030 Plan. He indicated that three (3) themes evolved as a result of their organization of the assessment: 1) Make the Regulations more User Friendly; 2) Implement the 2030 Plan; and 3) Update and Modernize the Regulations. He then introduced Mr. Baker to elaborate on the first two (2) themes.

In order to update and modernize the regulations, zoning districts should align with the 2030 Plan and they are proposing to consolidate some districts, add eight (8) new districts and delete 29 five (5) existing districts (shown below):

CURRENT DISTRICT	PROPOSED DISTRICT	MOVE KANNAPOLIS FORWARD 2030
BASE DISTRICTS		
Agricultural		
AG Agricultural District	AG Agricultural District	Future Planning Areas
Residential		
RE Rural Estate District	RRT Rural Residential Transition District	Cluster Residential, Conservation Neighborhood, Neighborhood Transition 2
RL Residential Low Density District	RSF-2 Residential Single Family 2 District	Neighborhood Transition 1, Neighborhood Transition 2, Complete Neighborhood 1
RM-1 Residential Medium Density District	RSF-4 Residential Single Family 4 District	Neighborhood Transition 1, Neighborhood Transition 2, Complete Neighborhood 1, Complete Neighborhood 2
RM-2 Residential Medium Density District		
	RSF-6 Residential Single Family 6 District (NEW)	Complete Neighborhood 1, Complete Neighborhood 2
	RSF-7 Residential Single Family 7 District (NEW)	Complete Neighborhood 1, Complete Neighborhood 2
RV Residential Village District	RM-8 Residential Mixed 8 District	Complete Neighborhood 1, Complete Neighborhood 2, Urban Residential
RC Residential Compact District	RM-18 Residential Mixed 18 District	Complete Neighborhood 2 Urban Residential
Mixed-Use, Commercial, and Industrial		
O-I Office-Institutional District	O-I Office-Institutional District	Urban Residential, Complete Neighborhood 1, Complete Neighborhood 2
B-1 Neighborhood Commercial/Office District	MU-N Mixed-Use Neighborhood District	Secondary Activity Center, Suburban Activity 2, Urban Residential, Complete Neighborhood 2
	MU-AC Mixed-Use Activity Center District (NEW)	Primary Activity Center
CC City Center District	CC City Center District	Downtown Center
	MU-CU Mixed-Use Corridor Urban District (NEW)	Urban Corridor
	MU-CS Mixed-Use Corridor Suburban District (NEW)	Suburban Activity 2
TOD Transit Oriented Development District	TOD Transit Oriented Development District	Primary Activity Center, Secondary Activity Center, Complete Neighborhood 2, Downtown Center
CD Campus Development District	DELETE	
CD-R Campus Development – Residential District	DELETE	
C-1 Light Commercial and Office District	DELETE	

C-2 General Commercial District	GC General Commercial District	Regional Commercial Center Primary Activity Center-Interchange, Suburban Activity 1, Employment Center
I-1 Light Industrial District	LI Light Industrial District	Primary Activity Center-Interchange, Secondary Activity Center Interchange, Employment Center
I-2 Heavy Industrial District	HI Heavy Industrial District	Employment Center
PID Public Interest Development District	DELETE	
PLANNED DEVELOPMENT DISTRICTS		
PUD Planned Unit Development District	PD Planned Development District	
	PD-TND Planned Development – Traditional Neighborhood Development District (NEW)	Complete Neighborhood 1, Complete Neighborhood 2, Urban Residential, Primary Activity Center, Secondary Activity Center
	PD-C Planned Development – Campus District	Employment Center, Regional Commercial Center, Primary Activity Center-Interchange, Suburban Activity 1

Mr. Richards told Council the KDO is written to allow more flexibility and are open to any suggestions or comments.

Following general questions and comments, Mayor Hinnant thanked Mr. Richards and Mr. Baker for their presentation. No action is required.

Approve the recommended comments by the City related to the STIP #R-5706 NC 73 Widening Project (Wilmer Melton, III, Director of Public Works) (Copy included as Exhibit H)

NCDOT is in the process of planning and designing the widening of NC 73 from the Mecklenburg County line to Highway 29 from a two-lane facility to a multi-lane facility which will include accommodation for pedestrians as well as cyclists along the corridor. Included in Exhibit H is a letter to Scott Stuart Basham, NCDOT Division 10 Planning Engineer. At this time, the City is simply providing comments, but the City will be responsible for its portion of the sidewalk costs as well as any betterments that we may want included as part of the Project.

Following general discussion about mast arm signals and bridge improvements, Council Member Rowell made a motion to approve the recommended comments in addition the comments related to bridge improvements and mast arm signal improvements. Council Member Wilson seconded the motion and it was approved by unanimous vote.

Approve the NCDOT Municipal Agreement for the Little Texas Road Sidewalk; amend the Capital Project Ordinance and adopt a Resolution Reimbursement (Wilmer Melton, III, Director of Public Works) (Copy included as Exhibit I)

At the request of the City of Kannapolis, The North Carolina Department of Transportation (NCDOT) has prepared a Municipal Agreement for TIP Project EB-5844 for the construction of approximately 8,800 linear feet of sidewalk along Little Texas Road and Ruth Avenue from Dale Earnhardt Boulevard to Lane Street.

1 By execution of this Agreement, the City agrees to the requirements set forth by NCDOT as stated
2 in the Agreement. The City will be responsible for completing the Project within five (5) years of
3 authorization of Federal funds for the project.
4

5 Council Member Wilson made a motion to approve the Municipal Agreement between the City of
6 Kannapolis and the North Carolina Department of Transportation for Transportation Improvement
7 Project EB-5844 and authorize the City Manager to execute the Agreement. Motion was seconded
8 by Council Member Kincaid and approved by unanimous vote.
9

10 Council Member Dayvault made a motion to approve an Ordinance amending the Capital Project
11 Ordinance for the Little Texas Road Sidewalk Project, Phases 1 & 2. Motion was seconded by
12 Council Member Kincaid and approved by unanimous vote.
13

14 Mayor Pro tem Haas made a motion to approve a Reimbursement Resolution. Motion was
15 seconded by Council Member Berry and approved by unanimous vote.
16

17 **Approve a Budget Ordinance Amendment 19-16; Jim Johnson Road Waterline (Eric Davis,**
18 **Finance Director) (Copy included as Exhibit J)**

19 The budget ordinance amendment is appropriating \$650,000 from water and sewer cash reserves
20 (fund balance) for the Jim Johnson Road waterline. The construction of this waterline is crucial in
21 the efforts to improve water quality in this area of the City. The residents in this area have logged
22 several complaints about the water quality in the recent past.
23

24 Council Member Berry made a motion to approve a Budget Ordinance related to the Jim Johnson
25 Waterline. Motion was seconded by Council Member Kincaid and approved by unanimous vote.
26

27 **Approve a Budget Ordinance Amendment 19-17; Coventry Road Storm Drain installation**
28 **(Eric Davis, Finance Director) (Copy included as Exhibit K)**

29 This budget ordinance amendment is for \$400,000 and it will cover the installation of a storm drain
30 pipe on Coventry Road. This pipe installation is needed to handle additional runoff that was created
31 due to construction activity upstream from this area. Funds will come from the Stormwater fund
32 cash reserves (fund balance).
33

34 Council Member Dayvault made a motion to approve a Budget Ordinance related to the Jim
35 Johnson Waterline. Motion was seconded by Council Member Wilson and approved by
36 unanimous vote.
37

38 **Employee Compensation Study Update (Mike Legg, City Manager and Tina Cline Human,**
39 **Resources Director) (Copy included as Exhibit L)**

40 Mr. Legg explained with adoption of the FY 2019 budget, City Council expressed concern about
41 salaries being paid to employees at the lower ends of the salary ranges and directed staff to conduct
42 additional research. City Council was specific in their direction to staff to conduct a compensation
43 study and bring back to Council recommendations that ensure employees who are being paid at
44 the lower end of the pay ranges are being paid a rate of pay that is competitive with the market.
45

1 The consultant presented her findings and implementation cost projections to City Council and
2 department heads during their mini-retreat/budget workshop on February 25, 2019. Staff received
3 feedback and direction from City Council to proceed with development of implementation plan
4 and have had ongoing discussions with department heads regarding their questions and concerns
5 after having also heard the consultant's reported findings. Implementation Recommendations.
6 Numbers 1-4 were presented at the February 25, City Council. The budget impact for
7 implementation of these 4 actions would be \$304,965, impacting 125 employees.

8
9 The recommended implementation is now recommended for the new budget year starting July 1,
10 2019 to allow for the discussion and debate on the larger budget issues. Total implementation of
11 all actions above would result in a budget impact (salaries and benefits) of \$606,119 and will be
12 part of the FY20 Budget.

13
14 **SPEAKERS FROM THE FLOOR:**

15 Mayor Hinnant asked Council's consent to allow Mr. Mayo Caldwell an opportunity to speak. Due
16 to Mr. Caldwell having to pick up his wife at the Train Station, asked to speak ahead of time.

17
18 Mayo Caldwell of 318 Central Avenue, personally thanked City Council and Mayor in getting
19 sidewalks to Little Texas Road; it is very important to the neighborhood. The Little Texas
20 Community was built by people working at Cannon Mills. Mr. Caldwell stated that a man recently
21 moved in 116 Waco Avenue. The man was welcomed into the neighborhood, but has not
22 reciprocated. The man has since then put up a Confederate flag. Mr. Caldwell asked for Council's
23 help to get the flag removed in a nice way.

24
25 **Employee Compensation Study Update (continued)**

26 There was general discussion and questions regarding the Employee Compensation Study and the
27 consultant's recommendations. No action was required.

28
29 **CITY MANAGER REPORT:** None

30
31 **CITY COUNCIL COMMENTS:** Council Member Dayvault commended City staff for all the
32 work done on the recent broken water line.

33
34 **SPEAKERS FROM THE FLOOR:**

35 Bobbi Hague of 423 West Avenue asked Council if there had been a better way of communicating
36 information to residents about the water line break. She gets calls when garbage pickup will be
37 late, amber alerts and other things. She felt it was inadequate the way of informing residents was
38 handled. She wondered why the City did not use the phone tree system. When people got home
39 they did not know ahead of time to boil the water. There were people using the water for cooking,
40 drinking and bathing. She received tons of calls from residents. Ms. Hague said if the City doesn't
41 have a better way to communicate, they need to consider other means.

42
43 Violet Elaine Mitchell of 415 Lyndon Street thanked Council on the approval of the Little Texas
44 sidewalk. She said that although she hasn't been seen, she has been working behind the scenes and
45 reads the newspaper. She congratulated Mr. Legg on his recent award of being honored as one of
46 the most admired CEO's. Ms. Mitchell has started working at the Kannapolis Intimidators

1 Stadium also the Charlotte Motor Speedway. She will still be an advocate for Kannapolis and
2 ended with a song.

3
4 Mark Spitzer of 2115 Golfcrest Drive thanked the City employees for their hard work on getting
5 the water main break repaired. He noted that Wilmer Melton had gone above and beyond the call
6 of duty. He agrees with Ms. Hague in that the City needs to be more proactive in disseminating
7 information to residents.

8
9 David Miller of 304Wellington Estates stated he is not opposed to the proposed Kannapolis
10 Development Ordinance; however spoke his concerns about the land development standards.

11
12 Mayor Pro tem Haas made a motion to go into Closed Session pursuant to GS. 143-318.11 (a) (3)
13 to consult with an attorney in order to preserve the attorney client privilege; G.S. 143.318.11 (a)
14 (4) for discussing matters relating to the location or expansion of industries or businesses in the
15 area. Motion was seconded by Council Member Wilson seconded the motion and it was approved
16 by unanimous vote.

17
18 Council went into closed session at 7:45 PM

19
20 Council Member Wilson made a motion to come of out closed session. Motion was seconded by
21 Council Member Dayvault and approved by unanimous vote.

22
23 Council resumed regular session at 9:36 PM.

24
25 There being no further business, Council Member Wilson made a motion to adjourn. The motion
26 was seconded Council Member Dayvault and approved by unanimous vote.

27
28 The meeting adjourned at 9:36 PM on Monday, March 25, 2019.

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Milton D. Hinnant, Mayor

Bridgette Bell, MMC, NCCMC
City Clerk

**CITY OF KANNAPOLIS
COUNCIL MEETING MINUTES
April 08, 2019**

A regular meeting of the City Council of the City of Kannapolis, North Carolina was held on Monday, April 08, 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: Ryan Dayvault
Roger Haas
Van Rowell
Diane Berry
Doug Wilson
Tom Kincaid

Council Members Absent: None

City Manager: Mike Legg

Deputy City Manager: Eddie Smith

City Clerk: Bridgette Bell

City Attorney: Walter M. Safrit

Staff Present:	Donie Parker	David Hancock
	Ernie Hiers	Jason May
	Eric Davis	Irene Sacks
	Trent Marlow	Wilmer Melton
	Zac Gordon	Gary Mills
	Terry Spry	

Visitors Present:	Stuart Basham	Shari Whiting
	Travis Furr	Mark Spitzer
	Susan Martin	Dianna Ship
	Hollie Morton	Heather Clay
	Angela Yates	Ron Haithcock
	Barbara Johnson	David Goodman
	Nathan Payne	

CALL TO ORDER AND WELCOME:

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

3
4 **ADOPTION OF AGENDA:**

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

7
8 Mayor Hinnant presented Sgt. Travis Furr and City employees of the E-911 Telecommunications
9 with a Proclamation recognizing April 14-20, 2019 as Telecommunicators Week in the City of
10 Kannapolis.

11
12 **CONSENT AGENDA:**

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

15
16 Amendments to the City of Kannapolis Code of Ordinances (Copy included as Exhibit A)

17
18 **BUSINESS AGENDA**

19 **NCDOT Project Update (Copy included as Exhibit C)**

20 Wilmer Melton, III, Director of Public Works introduced Stuart Basham, Division 10, Planning
21 Engineer.

22
23 Mr. Basham provided a power point outlining the following projects.

24
25 **Project:** I-85 Corridor (I-3802A) From NC73 to Rowan County line
26 Work Began: April 2015
27 Final Completion: December 2020
28 Cost Estimate: \$187M
29 Scope of Work: Widen I-85 from four to eight lanes. US 29/601, Dale
30 Earnhardt Blvd and Lane Street Interchanges. Kannapolis
31 Hwy, NSRR, Concord Lake Road, Centergrove Road and
32 Brantley Road Bridges. Winecoff School Road and
33 Kannapolis Hwy
34 Status & Anticipated Dates: 90% Complete.
35 December 15, 2018: Open our lanes in each direction on I-
36 85
37 November 2019: Complete all work on I-85
38 December 2020: Final completion of entire project

39
40 **Project:** I-85 Corridor (I-3802B) Exit 63 (Lane St) to Exit 68 (China
41 Grove)
42 Work Began: 2016
43 Final Completion: December 2020
44 Cost Estimate: \$107.9M
45
46

Project: Old Beatty Ford Road Interchange (I-3804) Covert grade separation to interchange. Included in I-85 Widening (I-3802B)

Project: NC3 Widening (U-3440) Widen NC3 to four lane median divided cross section between Loop Road and Kannapolis Parkway
Construction: Under construction
Cost Estimate: \$46.6M

Project: NC73 Widening (R-5706) Widen NC73 to four lane median divided cross section.
Project Status: Environmental Document underway. Design work to begin later this year.
Right of Way: FY2020
Construction: FY2030
Cost Estimate: \$168.9M

Project: US29/NC3 Intersection Improvements (U-5761). Construct intersection improvements
Right of Way: Spring 2019
Construction: Summer 2020
Cost Estimate: \$5.0M

Project: Irish Potato Road/Gold Hill Road Roundabout. Construct roundabout.
Project Status: Preliminary work to begin soon
Right of Way: FY2021
Construction: FY2022
Cost Estimate: \$1.5M

Project: East First Street Bridge Replacement (B-5372). Replace bridge with signalized at grade intersection
Project Status: Final design
Construction: Summer 2019

Project: Tuckaseegee Road Bridge Replacement (17BP.10.C.6). Replace Bridge
Project Status: In design
Construction: FY2020

Project: Ebenezer Road Bridge Replacement (17BP.0.R.78). Replace Bridge
Project Status: In design
Construction: FY2021

Project: Centergrove Road Bridge Replacement (17BP.10.R.144)
Replace Bridge.

Project Status: In design
Construction: FY2021

Project: Lane Street Safety Project (W-5710C) Lane Street from I-85
to Jackson Park Road. Reduce travel lanes from four to three
and resurface Lane Street.

Cost Estimate: \$1.5M

Project: North Enochville Traffic Signal (W-5710F) Install traffic
signal at north Enochville Avenue and West C Street

Project Status: In development

Construction Date: FY2020

Cost Estimate: \$1.5M

Project: Roxie Street Improvements (C-5159). Concord Lake Road
to NC3 Dale Earnhardt Blvd. Street Improvements

Project Status: On hold-to be constructed after I-85 widening is completed

Cost Estimate: \$675K

Project: North Main Street Sidewalk Project (U-6062) North Main
Street from North Loop Road/Jackson Park Road to Kimball
Road in China Grove. Street Improvements

Project Status: Right of Way in FY2023. Construction in FY2026

Cost Estimate: \$48.5M

Project: North Main Street Sidewalk Project (EB-5921). North Main
Street from 12th Street to 22nd Street. Construct sidewalks

Project Status: Right of Way in FY2024. Construction in FY2025

Cost Estimate: \$2.8M

Project: Little Texas Road Sidewalk Project (EB-5844). Lane Street
to NC3

Dale Earnhardt Blvd. Construct sidewalk and curb & gutter

Project Status: Right of Way in FY2020. Construction in FY2021

Cost Estimate: \$2.6M

Project: Oakwood Avenue Sidewalk Project (C-4916C). Windsor
Drive to Rogers Lake Road. Construct sidewalk.

Project Status: Let in November 2018. Construction underway

Cost Estimate: \$1.2M

Project: Irish Buffalo Creek Greenway (C-5161). North Cabarrus Park/Orphanage Road to Rogers Lake Road. Construct greenway

Project Status: Awaiting construction authorization. To be let shortly.

Cost Estimate: \$2.8M

Project: Kannapolis Train Station Track Improvements (P-5725). Kannapolis Train Station/Norfolk Southern Line. Construct track improvements, second platform, and pedestrian underpass

Project Status: Design working nearing completion. Funded for Right of Way and construction in FY2019

Cost Estimate: \$6.15M

Project: Rogers Lake Road Grade Separation (Y-4810K) South Main Street/Rogers Lake Road. Construct grade separation and road improvements.

Project Status: Design work nearing completion. Funded Right of Way and construction in FY2019

Cost Estimate: \$12.1M

2019-2010 Contract Resurfacing. Work to begin as soon as April, 2019. Work to be completed by June 30, 2020.

- NC3-From Odell School Road to Cabarrus/Rowan County Line
- NC3-From South Main Street to West Street
- Little Texas Road-From NC3 to Brantley Road
- Windy Road- From NC3 to Odell School Road (In ETJ near the NC3/Odell School Road intersection)
- Lane Street-Pending completion of waterline replacement and safety project
- South Enochville Road- Tuckaseegee Road to Saw Road
- West C Street-From Enochville Avenue to Glenn Avenue
- Enochville Road-From Enochville Avenue to West A Street
- North Main Street-From Airport Road to North Loop Road

Following general discussion, Mayor Hinnant thanked Mr. Basham for the update on NCDOT projects.

Capital Project Ordinance & Reimbursement Resolution for 2019 Revenue Bond Projects (Eric Davis, Finance Director) (Copy included as Exhibit B)

Mr. Davis explained that the City has previously identified a number of projects that were priorities in the water and sewer system. Based on the 2018 Gavel & Dorn study, projects were prioritized and included in the most recent approved Capital Improvement Plan. The projects covered by this Ordinance include:

- Alum residuals removal at the water treatment plant
- Bulk storage container replacement
- Downtown sewer outfall replacement
- Clearwell tank modifications

The City plans to issue Revenue Bonds in late 2019 to fund the construction of these projects. All of these projects with the exception of one, the water treatment plant clearwell repairs, which is pressed by the state due to potential functionality non-compliance. It is recommended that Council approve a Capital Project Ordinance and Reimbursement Resolution for 2019 Revenue Bond Projects so that funds can be legally spent.

Council Member Kincaid made a motion to approve the Capital Project Ordinance and Reimbursement Resolution. Motion was seconded by Council Member Wilson and approved by unanimous vote.

CITY MANAGER REPORT: None.

CITY COUNCIL COMMENTS: None

CLOSED SESSION:

Mayor Pro tem Haas made a motion to go into closed session pursuant to G.S. 143.318.11 (a) (3) for consulting with an attorney in order to preserve the attorney-client privilege, G.S. 143.318.11 (a) (4) for discussing matters related to the location or expansion of industries or businesses in the area and G.S. 143.318.11 (a) (6) for the purpose of discussing personnel matters. Motion was seconded by Council Member Berry and approved by unanimous vote.

Council went into closed session at 6:40 PM.

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

Council resumed regular session at 7:40PM.

There being no further business, Council Member Dayvault made a motion to adjourn. Motion was seconded by Council Member Wilson and approved by unanimous vote.

The meeting adjourned at 7:40 PM on Monday, April 08, 2019.

Milton D. Hinnant, Mayor

Bridgette Bell, MMC, NCCMC
City Clerk



**City of Kannapolis
City Council Meeting
April 22, 2019
Staff Report**

TO: Mayor and City Council
FROM: Wilmer Melton, III - Director of Public Works
TITLE Request to consider withdrawal of an unopened
portion of R-O-W between 1010 Birch Street and
1005 Pine Street

A. Action Requested by City Council

Motion to approve the Resolution stating the intent of the City to consider withdrawal of an unopened portion of R-O-W located between 1010 Birch Street and 1005 Pine Street and establish the Public Hearing date on May 22, 2019

B. Required Votes to Pass Required Action

Majority present at meeting

C. Background

The property owner has requested the closure of an unopened portion of R-O-W located between 1010 Birch Street and 1005 Pine Street. 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

G. Alternative Courses of Action and Recommendation
--

1. **Approve the Resolution stating the intent of the City to consider withdrawal of an unopened portion of R-O-W between 1010 Birch Street and 1005 Pine Street and establish the Public Hearing date on May 22, 2019.(Recommended)**
2. Take no action
3. Table action to a future meeting

ATTACHMENTS:

File Name

- ❑ Petition_for_1010_Birch_Street_requested_alleyway_closure.pdf
- ❑ Survey_for_1010_Birch___1005_Pine_Street.pdf
- ❑ Resolution_of_Intent_to_Close_Alleyway_between_1010_Birch_Street_and_1005_Pine_Street.pdf
- ❑ Checklist_for_Closure_-_1010_Birch___1005_Pine_Street.pdf

PETITION FOR CLOSURE OF A 10 FOOT ALLEY

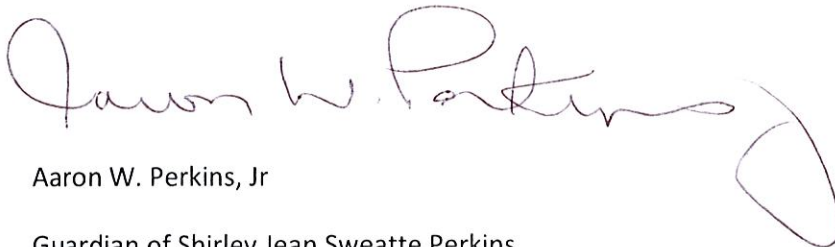
The undersigned was appointed as the general guardian for Shirley Jean Sweatte Perkins by the Cabarrus County Clerk of Court. A copy of the appointment has been attached hereto marked as Exhibit A and incorporated by reference herein as if full set out. She is the legal owner of the property know as 1005 Pine Ave, Kannapolis, NC and a separate track know as 1010 Birch St, Kannapolis, NC. A copy of her deed has been attached marked as exhibit B and incorporated herein. She made her home at the property until moving to an assisted living facility. The property in question was purchased by her mother and father about seventy years ago; she purchased the property from her parents. The property is divided into two separate tracts due to a 10 foot alley that was platted in 1924. A copy of the original plat has been marked as Exhibit C attached hereto and incorporated by reference as if fully set out. She is the sole owner of both tracks. The alley terminates at the eastern side of her property. The alley is one that is commonly referred to as a dead end.

Due to her medical condition, she is unable to live in the home and it necessary to sell the property. There was a contract to sell the property which was cancelled due to the alley way issue. A metes and bounds description of the alley has been attached here to marked as Exhibit D and incorporated by reference as if fully set out. The description was prepared by MEL G. Thompson and Associates. In addition, a recent surveyor of her property which shows the right of way marked as Exhibit E are incorporated by reference as if fully set out. The document was also prepared by Mr. Thompson.

This alley has never been opened from the date it was platted. In addition, there have been no state, city or county improvements to the alley from 1924 to present. There are no was, sewer, water or electric right of ways on the property that would require access. Due to the width of the alley, it is unlikely that a modern size sanitation vehicle could navigate the opening, and the alley is a dead end without a turning area. It is the guardian's desire to combine the two tracts into one tract with the alley way being part of the single tract with the Pine street address. The change is necessary to make the property more marketable and to satisfy the concerns of buyers and their lenders. The Beaver family whom we were instructed to contact by the City of Kannapolis has no objection to the closure and signed the petition.

The undersign is requesting that the city of Kannapolis close, abandon and deed the alley that extends across the property in question to Shirley Jean Sweatte Perkins.

This the 3rd day of April, 2019



Aaron W. Perkins, Jr

Guardian of Shirley Jean Sweatte Perkins



PETITION FOR STREET OR ALLEY CLOSURE

We, the property owners abutting the alley or street located at (please describe)

1010 Birch St Kannapolis, NC

1010

AG 4/3/19

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

NAME

ADDRESS

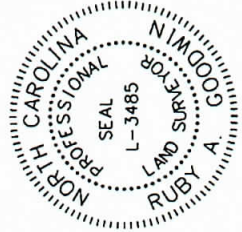
PHONE

SIGNATURE

Shirley S Perkins 242 Blackwood Way
Johnson City, TN
423/773-2702

Shirley Sweets Perkins by
Gordon W. Perkins, Attorney
of the person + estate

Grover L Beaver 404 Cypress Ave Kannapolis
704-857-8180



I, Ruby A. Goodwin, certify that this plat was drawn by me from an actual survey under my supervision; that the boundaries not surveyed are shown as broken lines plotted from information found in documents of record as shown hereon; that the ratio of precision is 1" = 10,000'; and that this map meets the requirements of the Standards of Practice for Land Surveying in North Carolina.

Ruby A. Goodwin, P.L.S. (L-3485)

NOTES CONT'D:

- 3) As of the date (2/19/2019) of this PLAT this property does not lie in a Special Flood Hazard Zone.
- VERSION NUMBER : 2.3.3.2
- MAP NUMBER : 3710561300K
- MAP REVISED : NOVEMBER 16, 2018
- Published by : Federal Emergency Management Agency
- 4) Property lies in City of Kannapolis Zoning District : RV
- MINIMUM BUILDING SETBACK ARE AS FOLLOWS: FRONT - 20', SIDE - 7', & REAR - 5'
- 5) (MGT #) references the job number of previous surveys by this company.

EXHIBIT PLAT FOR STREET CLOSING RE:
part of alley off Franklin Ave

being shown on Mbk 1, Pg. 51
BLK "G", "Villamont Heights"
Mbk 38, Pg. 57

PROPERTY OF
Shirley Sweatte Perkins

Twop # 4, Cabarrus Co. Kannapolis, N.C.

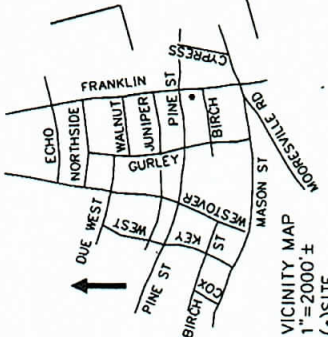
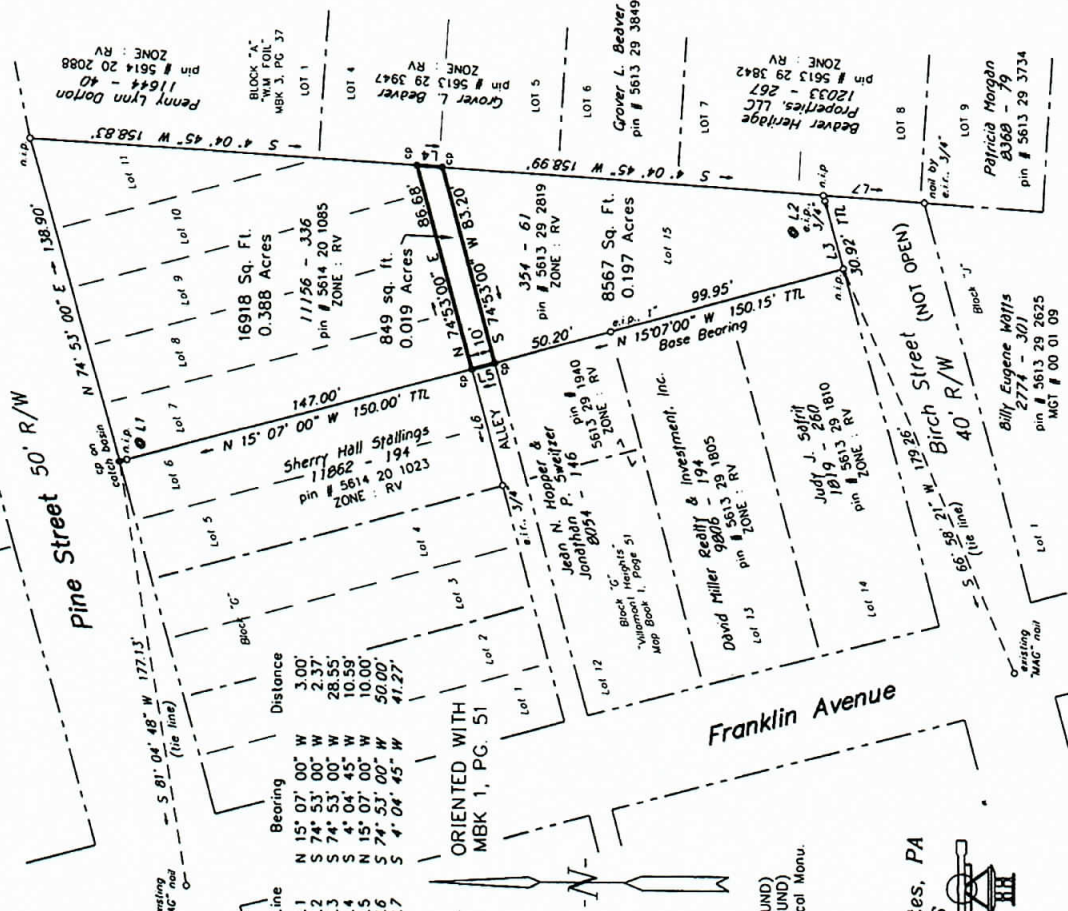
Tax Ref. : pin #'s 5614 20 1085 & 29 2819

Deed Ref. : Dbk 354, Pg. 61 & Dbk 11156, Pg. 336

SURVEY DATE : MARCH 23, 2007

PLAT PREPARED : FEBRUARY 19, 2019

Scale : 1" = 60'



- NOTES:
- 1) No opinion of title is implied or certified by the information shown on this plat. Subject and adjoining property owners names, deeds of record, and tax parcel identifications reflect those available to this surveyor as of the date of survey shown.
 - 2) "G5 47-30" mapping requirements (c) ... (the name of owner shall be shown for indexing purposes only and is not to be construed as title certification).
 - 3) This property is subject to the maintenance of any public utilities not evident and to any rights-of-way, easements, or agreements of record prior to or at date of survey.

LEGEND:

- n.i.p. = New Iron Pin, (SET)
- e.i.p. = Existing Iron Pin, as described (FOUND)
- e.i.r. = Existing Iron Rod, as described (FOUND)
- cp = Computed Point / No Physical Monu.
- = SURVEYED LINES - SOLID
- = ROAD RIGHT OF WAY
- = EASEMENTS LINES
- = LOT/TRACT/DEED LINES
- = ADJOINING PROPERTY LINES

Mel C. Thompson & Associates, PA
PROFESSIONAL LAND SURVEYORS
303 South Main Street
Kannapolis, N.C. 28081
Telephone (704) 938-4661
Corporate License # (C-0686)

**A RESOLUTION STATING THE INTENT OF THE
CITY OF KANNAPOLIS TO CONSIDER WITHDRAWAL FROM DEDICATION
AN UNOPENED PORTION OF R-O-W LOCATED BETWEEN 1010 BIRCH STREET AND 1005
PINE STREET 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 an unopened portion of r-o-w located between 1010 Birch Street and 1005 Pine Street as a described Public Street or alley pursuant to Section 160A-299 of the General Statutes of North Carolina.

LEGAL DESCRIPTION

PORTION OF ALLEY, BLK "G" "VILLAMONT HEIGHTS", MBK 1, PG. 51

BEGINNING AT A COMPUTED POINT, THE REAR COMMON CORNER OF LOTS 6 & 7, AND BEING S 15°07'00" E, 147.00' FROM A NEW IRON ROD SET AS WITNESS 3' FROM A COMPUTED POINT ON AN EXISTING CATCH BASIN AT PINE ST, THE FRONT COMMON CORNER OF LOTS 6 & 7; THENCE WITH THE REAR LINES OF LOTS 7 THROUGH 10, N 74°53'00" E, 86.68' TO A COMPUTED POINT ON THE LINE OF GROVER L. BEAVER; THENCE WITH THE COMMON LINE WITH BEAVER, S 4°04'45" W, 10.59' TO A COMPUTED POINT, THE NE CORNER OF LOT 15; THENCE S 74°53'00" W, 83.20', TO A COMPUTED POINT THE NW CORNER OF LOT 15; THENCE WITH A NEW LINE ACROSS THE SUBJECT ALLEY, N 15°07'00" W, 10.00' TO THE POINT OF BEGINNING CONTAINING 0.019 ACRES (849.368 SQ. FT.), 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 22nd of May 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 22nd day of April, 2019.

Milton D. Hinnant, Mayor

Bridgette Bell, MMC, NCCMC
City Clerk

**CHECK LIST FOR
STREETS AND ALLEYS
PROCEDURE FOR
CLOSING (G.S. 160A-299)
Unopened R-O-W Known as 1010 Birch St & 1005 Pine Street**

<u>PROCEDURE</u>	<u>RESPONSIBILITY</u>	
1. Submission of request to City must include:	Property Owners:	
(a) Letter of request (petition) signed by all property owners abutting street or alley.	(a) <u>4/3/19</u>	
(b) Copy of recorded plat showing original layout or dedication of street or alley.	(b) <u>4/3/19</u>	
(c) Registered land surveyors plat of recent survey of portion of street to be closed on legal size drawing, suitable for recording.	(c) <u>2/19/19</u>	
d) Non-refundable application fee of \$300.00	(d) Public Works	<u>4/3/19</u>
2. Review and recommendation to City Manager by Legal, Planning and Public Works.	City Staff	<u>4/13/19</u>
3. Recommendation to City Council	Public Works	<u>4/22/19</u>
4. Adopt Resolution of Intent	City Council	<u>4/22/19</u>
5. Public Notice		
(a) Publish Newspaper (one per week, four consecutive weeks)	City Clerk	_____
(b) Posted notices (two signs on street)	Public Works	_____
(c) Mail copy of Resolution of Intent to all adjoining property owners by Registered or Certified Mail	City Clerk	_____
6. Public Hearing	City Council	_____
7. Order of Closing	City Council	_____
8. Record closing order with Register of Deeds Office	City Attorney	_____



**City of Kannapolis
City Council Meeting
April 22, 2019
Staff Report**

TO: Mayor and City Council
FROM: Wilmer Melton, III - Director of Public Works
TITLE Request to consider withdrawal of an unopened
portion of ROW

A. Action Requested by City Council

Motion to approve the Resolution stating the intent of the City to consider withdrawal from dedication a portion of R-O-W located on Caldwell Street and establish the Public Hearing date on May 22, 2019.

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 located on Caldwell Street. 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

G. Alternative Courses of Action and Recommendation
--

1. **Approve the Resolution stating the intent of the City to consider withdrawal from dedication a portion of R-O-W located on Caldwell Street and establish the Public Hearing date for May 22, 2019 (Recommended)**
2. **Take no action.**
3. Table action to a future meeting.

ATTACHMENTS:

File Name

- ▢ Petition_-_Caldwell_Street.pdf
- ▢ Survey_Plat_-_Caldwell_Street_req_d_portion_of.pdf
- ▢ Resolution_of_Intent_to_Close_R-O-W_on_Caldwell_Street.pdf
- ▢ Checklist_for_Closure_-_Caldwell_Street.pdf

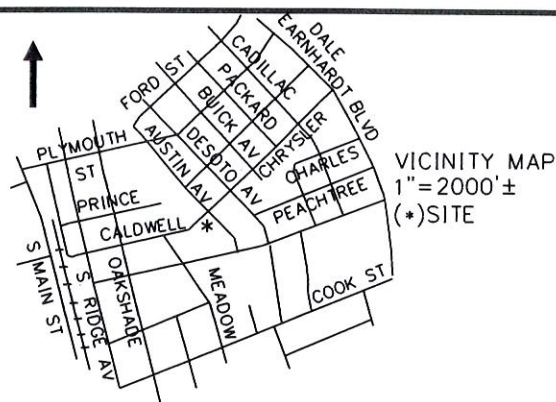
PETITION FOR STREET OR ALLEY CLOSURE

APR 11 2019

We, the property owners abutting the alley or street located at (please describe) unopened portion of Caldwell St (Austin Ave side)

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

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>	<u>SIGNATURE</u>
Angela McQueen	1022 Austin Ave	7049539029	Angela McQueen
TIM TALLENT	AUSTIN STREET	704-467-0314	Tim Talient



I, Ruby A. Goodwin, certify that this plat was drawn by me from an actual survey under my supervision; that the boundaries not surveyed are shown as broken lines plotted from information found in documents of record as shown hereon; that the ratio of precision is 1 : 10,000+; and that this map meets the requirements of The Standards of Practice for Land Surveying in North Carolina.

Ruby A. Goodwin, P.L.S. (L-3485)
ORIGINAL SURVEY BY THIS
COMPANY: APRIL 1, 2008



PROPOSED STREET CLOSING
PART OF "CALDWELL STREET" WEST FROM AUSTIN STREET TO EAST EDGE OF A PUBLIC
EXISTING SANITARY SEWER EASEMENT.

BEGINNING AT AN NEW IRON PIN BEING THE SE CORNER OF ANGELA M. MCQUEEN PROPERTY, DBK 12312, PG. 243, THENCE S 42°43'00" E, 30.00', WITH THE WEST EDGE OF AUSTIN AVE, TO A NEW IRON PIN THE NORTH CORNER OF THE TIMOTHY N. TALLENT PROPERTY, DBK 10991, PG. 61; THENCE S 46°52'28" W, 144.15', WITH THE SOUTH EDGE OF CALDWELL STREET (UN-OPENED) TO A COMPUTED POINT ON EAST EDGE OF A PUBLIC EXISTING SANITARY SEWER EASEMENT; THENCE N 27°57'31" W, 31.08', WITH SAID EASEMENT TO A COMPUTED POINT IN THE NORTH EDGE OF CALDWELL STREET; THENCE N 46°52'28" E, 136.23' TO THE POINT OF BEGINNING CONTAINING 0.097 ACRES, 4,205 SQ. FT. MORE OR LESS.

NOTES:

1) No opinion of title is implied or certified by the information shown on this plat. Subject and adjoining property owners names, deeds of record, and tax parcel identifications reflect those available to this surveyor as of the date of survey shown.

"GS 47-30 ... mapping requirements.

(c) ... (the name of owner shall be shown for indexing purposes only and is not to be construed as title certification)"

2) This property is subject to the maintenance of any public utilities not evident and to any rights-of-way, easements, or agreements of record prior to or at date of survey.

3) As of the date (3/13/2019) of this PLAT this property does lie in a Special Flood Hazard Zone.

VERSION NUMBER : 2.3.3.2

MAP NUMBER : 3710561300K

MAP REVISED : NOVEMBER 16, 2018

Published by : Federal Emergency
Management Agency

LEGEND:

n.i.p. = New Iron Pin, (SET)

e.i.p. = Existing Iron Pipe, as described (FOUND)

e.i.r. = Existing Iron Rod, as described (FOUND)

cp = Computed Point / No Physical Monu.

— = SURVEYED LINES - SOLID

--- = ROAD RIGHT OF WAY

--- = EASEMENTS LINES

--- = LOT/TRACT/DEED LINES

--- = ADJOINING PROPERTY LINES

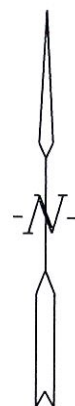
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Telephone (704) 938-4661

Corporate License # (C-0686)



ORIENTED WITH
MBK 9, PG. 50

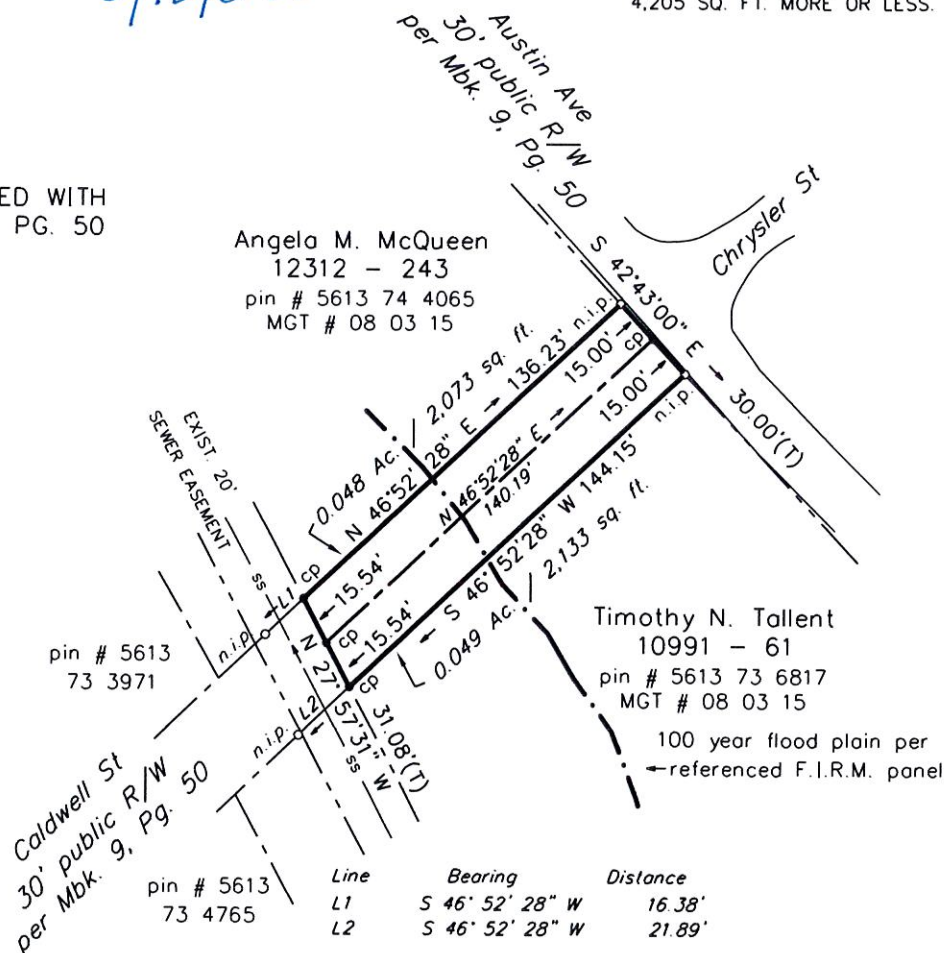


EXHIBIT PLAT
PROPOSED STREET CLOSING
part of Caldwell Street

30' R/W REFERENCE
"Fred W. Glass Estate"
Mbk 9, Pg. 50

SURVEY FOR
City of Kannapolis

PROPERTIES OF
Timothy N. Tallent

Tax Ref. : pin # 5613 73 6817

Deed Ref. : Dbk 10991, Pg. 61

AND

Angela M. McQueen

Tax Ref. : pin # 5613 74 4065

Deed Ref. : Dbk 12312, Pg. 243

Twp #4, Cabarrus Co. Kannapolis, N.C.

PLAT PREPARED DATE : MARCH 12, 2019

Scale : 1" = 60' Job # 19 03 03



4) (MGT #) references the job number of previous surveys by this company.

**A RESOLUTION STATING THE INTENT OF THE
CITY OF KANNAPOLIS TO CONSIDER WITHDRAWAL FROM DEDICATION
A PORTION OF R-O-W LOCATED ON CALDWELL STREET 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 located on Caldwell Street as a described Public Street or alley pursuant to Section 160A-299 of the General Statutes of North Carolina.

LEGAL DESCRIPTION

PORTION OF ALLEY, BLK "G" "VILLAMONT HEIGHTS", MBK 1, PG. 51

BEGINNING AT A COMPUTED POINT, THE REAR COMMON CORNER OF LOTS 6 & 7, AND BEING S 15°07'00" E, 147.00' FROM A NEW IRON ROD SET AS WITNESS 3' FROM A COMPUTED POINT ON AN EXISTING CATCH BASIN AT PINE ST, THE FRONT COMMON CORNER OF LOTS 6 & 7; THENCE WITH THE REAR LINES OF LOTS 7 THROUGH 10, N 74°53'00" E, 86.68' TO A COMPUTED POINT ON THE LINE OF GROVER L. BEAVER; THENCE WITH THE COMMON LINE WITH BEAVER, S 4°04'45" W, 10.59' TO A COMPUTED POINT, THE NE CORNER OF LOT 15; THENCE S 74°53'00" W, 83.20', TO A COMPUTED POINT THE NW CORNER OF LOT 15; THENCE WITH A NEW LINE ACROSS THE SUBJECT ALLEY, N 15°07'00" W, 10.00' TO THE POINT OF BEGINNING CONTAINING 0.019 ACRES (849.368 SQ. FT.), 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 22nd of May 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 22nd day of April 2019.

Milton D. Hinnant, Mayor

ATTEST:

Bridgette Bell, MMC, NCCMC
City Clerk

**CHECK LIST FOR
STREETS AND ALLEYS PROCEDURE FOR
CLOSING (G.S. 160A-299)
Unopened R-O-W Known as Caldwell Street**

<u>PROCEDURE</u>	<u>RESPONSIBILITY</u>	
1. Submission of request to City must include:	Property Owners:	
(a) Letter of request (petition) signed by all property owners abutting street or alley.	(a) <u>4/11/19</u>	
(b) Copy of recorded plat showing original layout or dedication of street or alley.	(b) <u>4/11/19</u>	
(c) Registered land surveyors plat of recent survey of portion of street to be closed on legal size drawing, suitable for recording.	(c) <u>3/13/19</u>	
(d) Non-refundable application fee of \$300.00	(d) Public Works	<u>4/11/19</u>
2. Review and recommendation to City Manager by Legal, Planning and Public Works.	City Staff	<u>4/11/19</u>
3. Recommendation to City Council	Public Works	<u>4/22/19</u>
4. Adopt Resolution of Intent	City Council	<u>4/22/19</u>
5. Public Notice		
(a) Publish Newspaper (one per week, four consecutive weeks)	City Clerk	_____
(b) Posted notices (two signs on street)	Public Works	_____
(c) Mail copy of Resolution of Intent to all adjoining property owners by Registered or Certified Mail	City Clerk	_____
6. Public Hearing	City Council	_____
7. Order of Closing	City Council	_____
8. Record closing order with Register of Deeds Office	City Attorney	_____



**City of Kannapolis
City Council Meeting
April 22, 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** (see pg. 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 is for City Council to hold a public hearing on these amendments, which is scheduled for April 8, 2019.

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)

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
- ❑ Changes_to_UDO_Article_6.pdf
- ❑ TA-2019-02_Statement_of_Consistency.pdf
- ❑ Ordinance_to_Rezone_-_TA-2019-02.pdf
- ❑ Public_Notification_Ad_3.25.19.pdf
- ❑ Developers_Handbook.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.

Table 6-1.1 Classification of Subdivisions

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

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).

**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 April 22, 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 22nd Day of April 2019;

Milton D. Hinnant
Mayor

Attest:

Bridgette Bell, MMC, NCCMC
City Clerk

**AN 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 April 22, 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 above-referenced Articles of the UDO be amended as follows:

The proposed text amendment to the UDO is attached as Exhibit A as additions and ~~deletions~~:

ADOPTED this the 22th Day of April 2019:

Milton D. Hinnant, Mayor

ATTEST:

Bridgette Bell, MMC, NCCMC
City Clerk



Order Confirmation

Order# 0000549882

PO Box 27283
Richmond, VA 23261-7283

Client: KANNAPOLIS, CITY OF
Phone: 7049204300

Payer: KANNAPOLIS, CITY OF
Phone: 7049204300

Account: 3143368
Address: ACTS PAYABLE/WANDA/TEARSHEETS
KANNAPOLIS NC 28081

Account: 3143368
Address: ACTS PAYABLE/WANDA/TEARSHEET
KANNAPOLIS NC 28081

Sales Rep aboan
Accnt Rep aboan
Ordered By Pam Scaggs

Fax: 7049337463
Email: byow@kannapolisnc.gov

Total Amount \$709.18
Payment Amount \$709.18
Amount Due \$0.00

PO Number:

Tear Sheets 0

Proofs 0

Affidavits 1

Tax Amount: Credit - Debit Card
Payment Meth:

Ad Number
0000549882-01

Ad Type
CLS Liner

Ad Size
2 X 56 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 Kannapolis City Hall

Run Dates 3/15/2019, 3/22/2019

TagLine: NOTICE OF PUBLIC HEARING KANNAPOLIS CITY HALL LAUREATE CENTER 401 LAUREATE WAY KANNAPOLIS NC 28081 CITY COUNCIL MEETING MONDAY MARCH 25 2019 AT 600 PM



NOTICE OF PUBLIC HEARING

Kannapolis City Hall
Laureate Center

401 Laureate Way, Kannapolis, NC 28081

City Council Meeting

Monday, March 25, 2019 at 6:00 pm

Public Hearing Notice

Public Hearing Notice - Moose Road Annexation - A-2019-01
- Public Hearing to consider the voluntary annexation of approximately 5.91 +/- acres located at an unaddressed parcel on Moose Road further identified as Rowan County PIN #145 063 2.

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.

Public Hearing Notice - 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 tcline@kannapolisnc.gov.

Publish: Friday, March 15, 2019; Friday, March 22, 2019.+



Development Guidebook:

Commercial and Residential Land Development

City of Kannapolis

Planning Department

401 Laureate Way

Kannapolis, North Carolina 28081

Phone: 704-920-4350

www.kannapolisnc.gov/Government-Departments/Planning

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Chapter 1: Introduction and Contact Information

Welcome to the City of Kannapolis, North Carolina! Kannapolis is located approximately 30 miles northeast of Charlotte, along the rapidly growing Interstate 85 corridor. The City is known as a friendly, innovative and fast-growing community that is committed to maintaining a healthy and high quality of life for its residents.

This guidebook is intended to provide basic information about the development plan review process for the City of Kannapolis and is for reference purposes only. It is not intended to serve as a substitute for adherence to any applicable development code or regulation. The goal of this document is to clarify the City of Kannapolis development review process by outlining the procedure for the preparation, submittal, and review of development applications. We encourage you to contact us early in your development process, especially prior to purchasing any property, so that we may assist you in answering questions related to zoning and land use.

The Planning Department can be contacted using the information below:

Zac Gordon, AICP Planning Director zgordon@kannapolisnc.gov 704-920-4350	VACANT Senior Planner TBD 704-920-4355
Gretchen Coperine AICP Senior Planner gcoperine@kannapolisnc.gov 704-920-4362	Sandy Howell Planning Technician showell@kannapolisnc.gov 704-920-4358
Pam Scaggs Administrative Assistant pscaggs@kannapolisnc.gov 704-920-4359	Alana Sweatt GIS Specialist asweatt@kannapolisnc.gov 704-920-4361
Barry Hower Code Enforcement Officer bhower@kannapolisnc.gov 704-920-4357	Tony Cline Code Enforcement Officer twcline@kannapolisnc.gov 704-920-4356

Minor Zoning Permits: Single Family and Commercial Upfits

Single Family residential permits including new homes on single lots, additions/expansions, accessory structures, and commercial upfits must be submitted through our online permitting system at the link: <https://accela1.cabarruscounty.us/CitizenAccess/>

New Single Family Homes will be accessed Water and Sewer Fees.

Chapter 2: Development Plan Review Process

The primary purpose of development plan review is to assure that development projects are designed, reviewed, and processed in accordance with all applicable city, state, and federal regulations. The City of Kannapolis adheres to a “one-stop” shop philosophy for all development plan review, and all applications are processed through the Kannapolis Planning Department as a “single point of contact” during the review process. Applicants will be required to submit application, plans, and required documentation along with payment of required fees to the Planning Department. Each project will be assigned a project manager (PM) in the Planning Department who will be the main point of contact during the development plan review process. The Planning Department will distribute plans to other City departments as necessary and ensure that the project complies with the Unified Development Ordinance (UDO), Fire Code, and all other applicable land development regulations.

Pre-Application Meeting

Most development projects require a pre-application meeting with the Planning Department. This meeting is very important as it can save you time and money by reducing the amount of review comments generated. This meeting is intended to be a comprehensive discussion about the project as well as the submittal and application procedure for the project. Staff members from other City Departments, such as Fire, Engineering, Police, and Public Works, are invited to these meetings as well.

To schedule a Pre-Application Meeting please contact the Planning Department by sending an email to planreviewappointment@kannapolisnc.gov.

These meetings take place every Wednesday and are scheduled in one-hour blocks as follows: 9-10am, 10:30-11:30am, 2-3pm and 3:30-4:30pm. Please allow up to a week to schedule a meeting.

Toolkit: Pre-Application Meeting Checklist

It is required to submit to staff a sketch plan at least one (1) week prior to the pre-application meeting. The Sketch Plan should include the following:

1. Proposed use and or zoning for the property.
2. Site layout, building placement, drive isles, parking, landscaping, buffers, etc.
3. Access to the site (via City or NCDOT road), sidewalk, curb and gutter, and utility locations, stormwater facilities.
4. Project phasing, if any.
5. Existing and proposed fire hydrants, FDCs, and Fire truck circulation.
6. Overlay District requirements or other design standard regulations.

Development Application

Prior to review of a new development project in the City, a *Universal Development Application* signed by the owner or an approved agent, along with the applicable fee and supporting documents must be submitted to the Planning Department. The application(s) and all required documents must be submitted digitally through the Accela Citizen Access (ACA) portal at: <https://accela1.cabarruscounty.us/CitizenAccess/>. One (1) hard copy of all the materials submitted through ACA must also be delivered to the City of Kannapolis Planning Department at 401 Laureate Way, 3rd Floor.

Application Submittal and Acceptance/Completeness Review

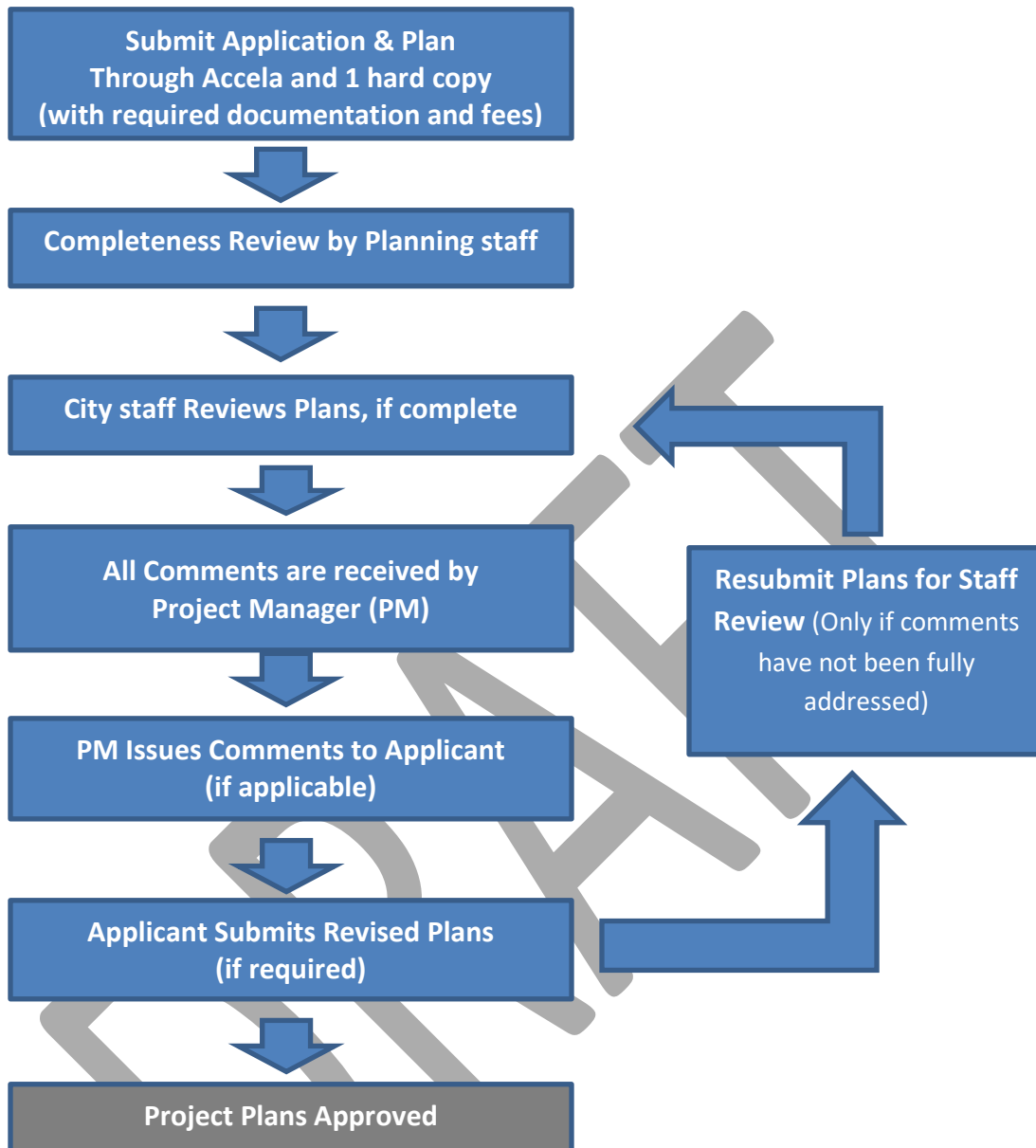
Planning staff will conduct a Completeness Review on all submitted applications to determine if required documents have been submitted. If any required documents of a submittal are missing, the application is rejected and the applicant will be notified of the rejected application along with a list of item(s) that are missing. If the submitted application is complete, the application and all materials will be distributed to the appropriate City staff for review.

Application Review

All development applications are reviewed by the Planning, Fire, and Public Works Departments. Other departments may review an application on an as needed basis. The general process for development application review is outlined below.

- ✓ Staff review of applications
- ✓ Any errors or deviations from the UDO or any other City ordinances/policies are generated as a comment. Other comments such as site design or layout may also be included. The PM will provide the applicant with any comments from City departments engaged in review of the development application and prepare a comment letter which will be forwarded to the applicant via email.
- ✓ All City staff comments shall be addressed by the applicant who will be required to resubmit to the Planning Department. The resubmittal must include:
 - Corrected plans (all pages included)
 - Digital version of the corrected plan set in PDF format, properly scaled (no scanned copies of the plans)
 - Correspondence indicating how the comments were addressed and any additional changes/revisions made to the plans other than those required by the initial plan review comment letter
- ✓ The review process continues until all comments are satisfied and the plans comply with all City ordinances and policies.

Development Application Process



Toolkit: Development Application Review Timeline

City Staff provides review comments within the timelines below:

Project Type	Stage	Designated Agency (Decision Maker)	Time Limit for Processing (First Review)
Minor Subdivision	Sketch Plat	Administrator	15 business days
Minor Subdivision	Final Plat	Administrator	15 business days
Major Subdivision	Sketch Plat	Administrator	15 business days
Major Subdivision	Preliminary Plat	Reviewing Departments	30-60 business days
Major Subdivision	Final Plat	Administrator	15 business days
Construction Plans (subdivisions & multifamily)		Public Works Director	30 business days
Construction Plans (commercial)		Public Works Director	21 business days
Commercial Upfits		Public Works Director	10 business days

Please note, if the project requires more than 2 re-reviews by Staff, the applicant and design team will be required to schedule a meeting with Staff to address comments. Re-review time limit for processing will depend on applicant's adequacy of addressing Staff comments.

Chapter 3: Zoning

Zoning for the City of Kannapolis was established in 1988. Zoning assigns every parcel of land within the city limits a zoning district designation and each zoning district has a list of permitted land uses as well as dimensional and density standards, e.g. building setbacks, lot sizes, and number of dwelling units/acre. Some areas of the city are located in overlay districts which include additional standards. A list of zoning districts, their allowed uses, and regulations can be found on Table 4.6-1 located in [Article 4 of the UDO](#).

How to Determine the Zoning of a Property

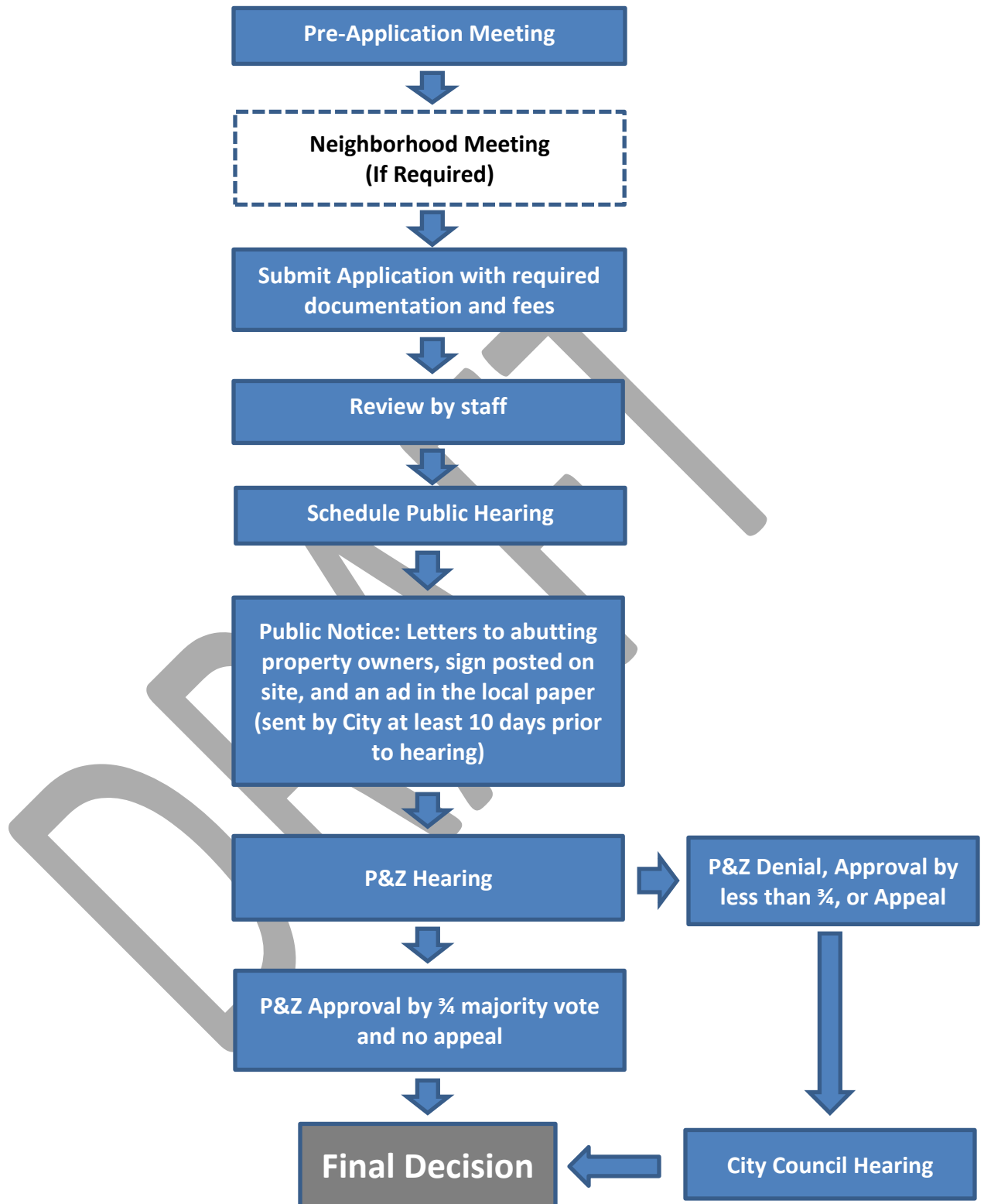
- ✓ Step 1: Determine the zoning district for the property in question.
 - Locate the property by address or location on the Official Zoning Map located at: <http://www.kannapolisnc.gov/Government-Departments/Planning>
 - Contact the Planning Department at (704) 920-4350 and ask to speak to a planner if unable to determine zoning.
- ✓ Step 2: Determine the allowed uses within a specific zoning district.
 - Table 4.6-1 contains a table of land uses that are permitted (P); permitted with supplemental regulations (P/S); require a conditional use permit (C); or are prohibited (-).
 - Definitions for land uses can be found in [Appendix A of the UDO](#). If there are any questions regarding allowed uses or definitions, contact the Planning Department at (704) 920-4350.

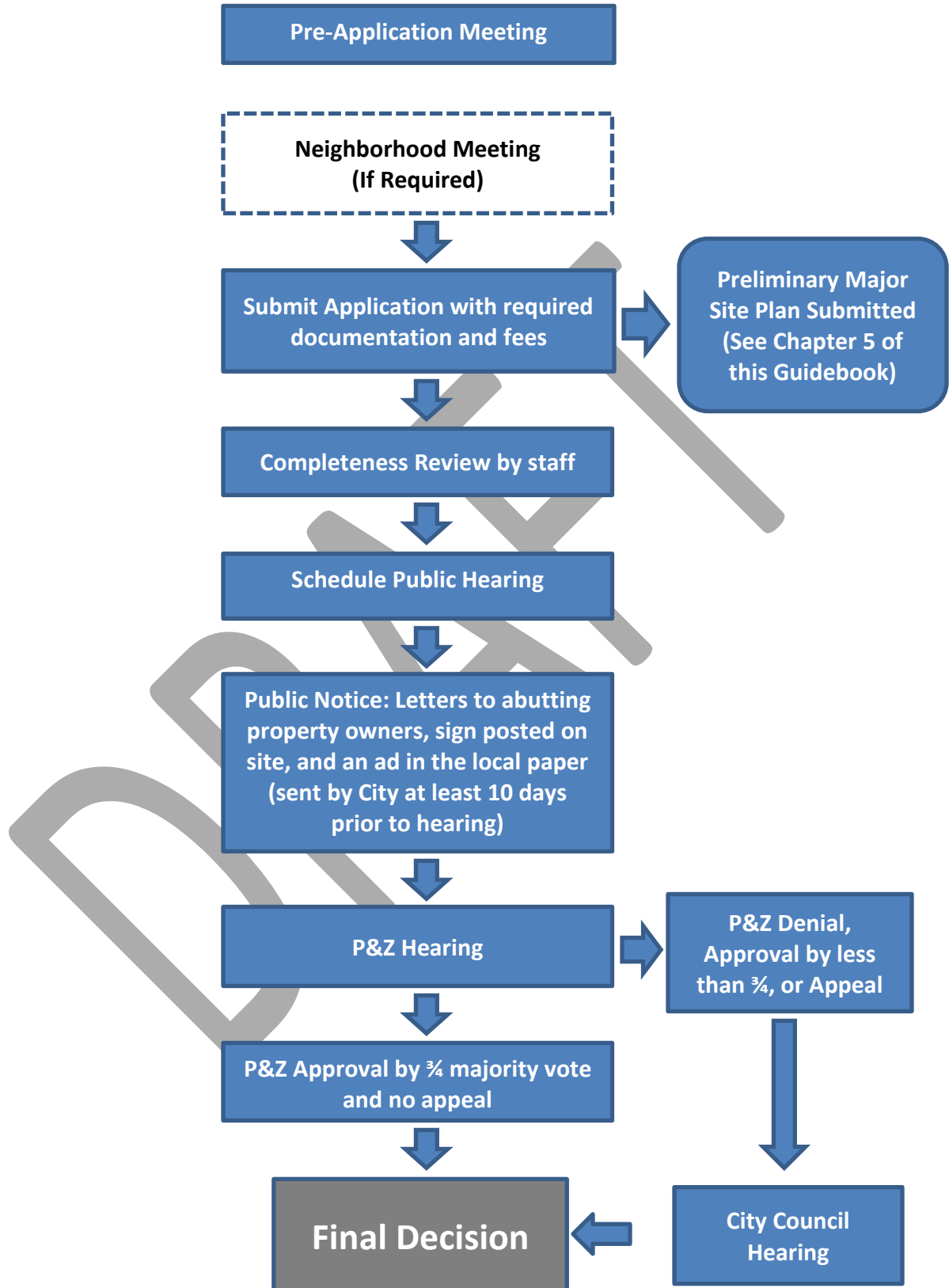
Request for Rezoning

Should a proposed use be prohibited on a property under the current zoning district, then a rezoning of the property may be requested. There are two types of rezonings that may be requested:

- ✓ Zoning Map Amendment (UDO Section 3.3)
 - Allows for any permitted uses within the requested zoning district
 - Can be more difficult to receive due to lack of certainty regarding the type of use which can cause concern for neighbors as well as the Planning & Zoning Commission, who approve rezoning requests
- ✓ Conditional Zoning Amendment (UDO Section 3.4)
 - Conditional zoning is intended to add flexibility to the development plan review process, while at the same time creating additional controls to establish specific development standards for a particular property
 - A site plan and specific conditions control the uses on a site
 - Provides certainty for the neighbors and the City

Rezoning applications require approval by the Planning and Zoning Commission at a public hearing and sometimes the City Council (in cases where the Planning and Zoning Commission denies the request, approves the request with less than a 3/4th majority vote or where there is an appeal of the Commission's decision). Once Staff deems the application is complete and meets all the applicable requirements of the UDO, a request for rezoning will be placed on the next available agenda. The review process for both a Zoning Map Amendment and a Conditional Zoning Amendment can be found on the next two pages.

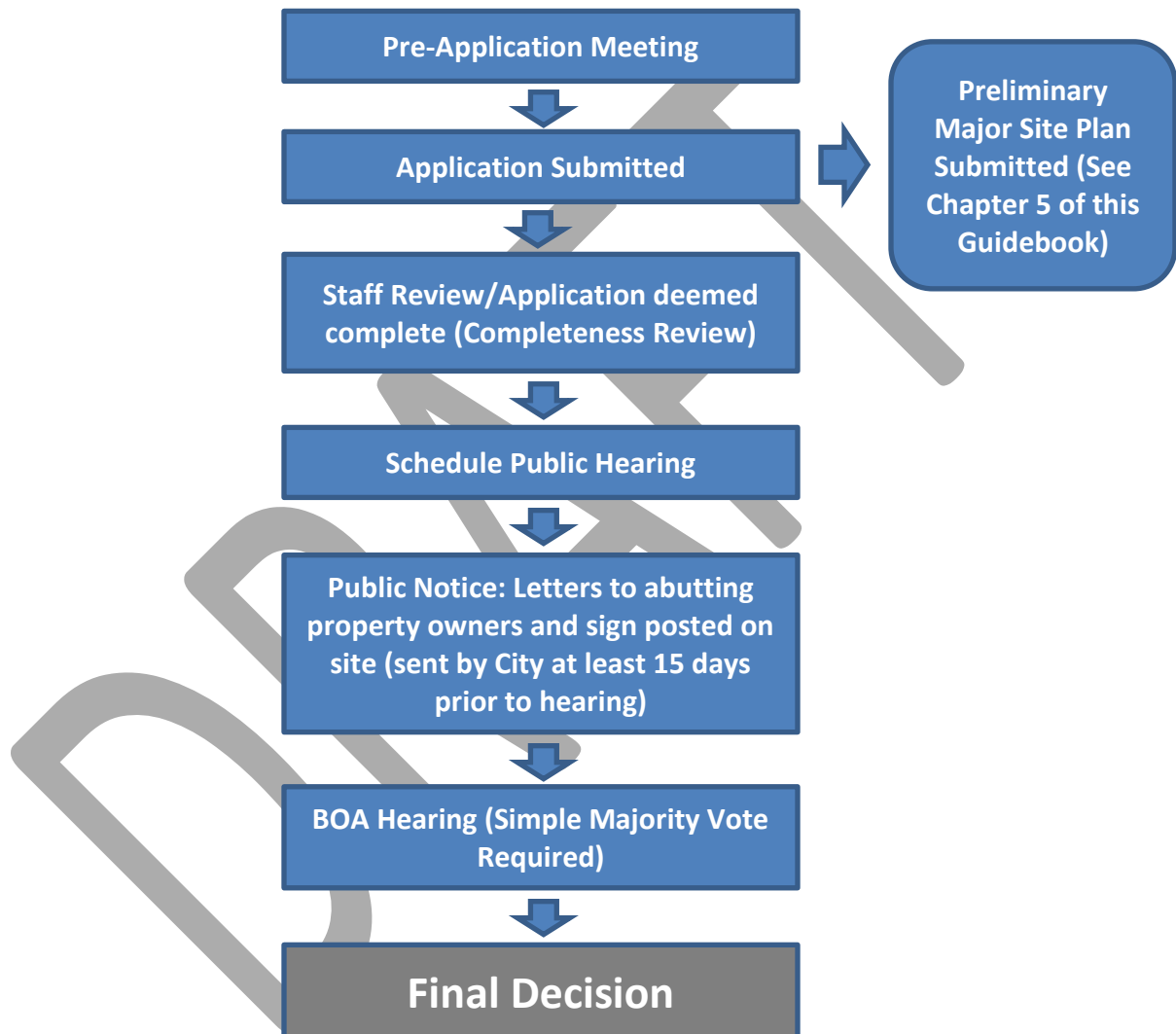
ZONING MAP AMENDMENT PROCESS

CONDITIONAL ZONING AMENDMENT PROCESS

Conditional Use Permits (UDO Section 3.5)

Conditional uses are denoted with a “C” on Table 4.6-1 and require a Conditional Use Permit (CUP) to be permitted on a site. Conditional uses are typically compatible with the permitted uses in a zoning district, but require additional review of their location, design, and configuration. Uses subject to a CUP are only permitted after review and approval by the Board of Adjustment (BOA) at a public hearing. The review process for a CUP can be found below:

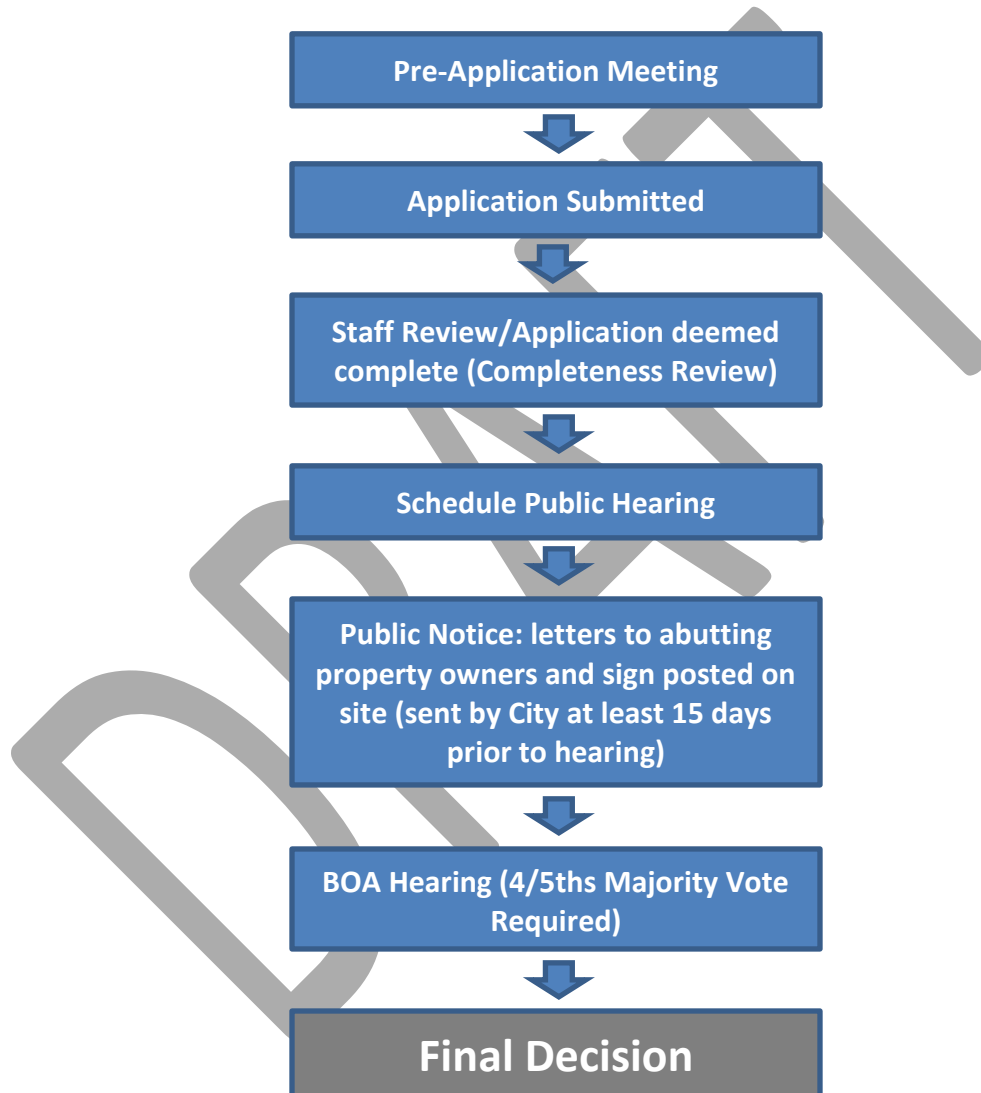
Conditional Use Permit Process



Appeals and Variances

The BOA decides appeals of administrative interpretations and determinations of the UDO, as well as granting variances from the requirements of the UDO. The BOA cannot grant variances to permit uses not allowed within a zoning district where a property is located. Variances are not considered a right, the BOA can only grant a variance if the applicant meets the hardship criteria set forth in State law (*GS 160A-388(d)*). Approval of a variance or administrative appeal requires a 4/5ths vote of the BOA. The review process for a variance and administrative appeal is similar to that of a CUP and is outlined below:

Administrative Appeal and Variance Process



Chapter 4: Subdivision of Property (Platting)

The division of land into two or more lots for the purposes of sale or development is considered a subdivision and requires approval of a plat by the City and recordation with the County Register of Deeds in which the property is located.

Basic Components of Plats (Appendix B.2, B.3 of the UDO and Land Development Standards Manual [LDSM])

Full application requirements for subdivision plats can be found in Appendix B.2 and B.3 of the UDO as well as the LDSM.

Exempt Plats (UDO Section 6.1.5)

There are a few instances where a subdivision plat is not required. In these cases an “exempt plat” is submitted to the City for review. An exempt plat is allowed in the following situations:

- ✓ The combination of previously subdivided and recorded lots, where the total number of lots is not increased and the resultant lots meet all other lot standards, including size, width, street frontage, etc.
- ✓ The division of land into parcels greater than 10 acres where no street right-of-way dedication is required.
- ✓ Land required for the widening of a street where a public entity purchased the land for the widening.
- ✓ The division of a tract less than two acres in single ownership, into no more than three lots, where no street right-of-way dedication is required and the resulting lots meet all other lot standards.

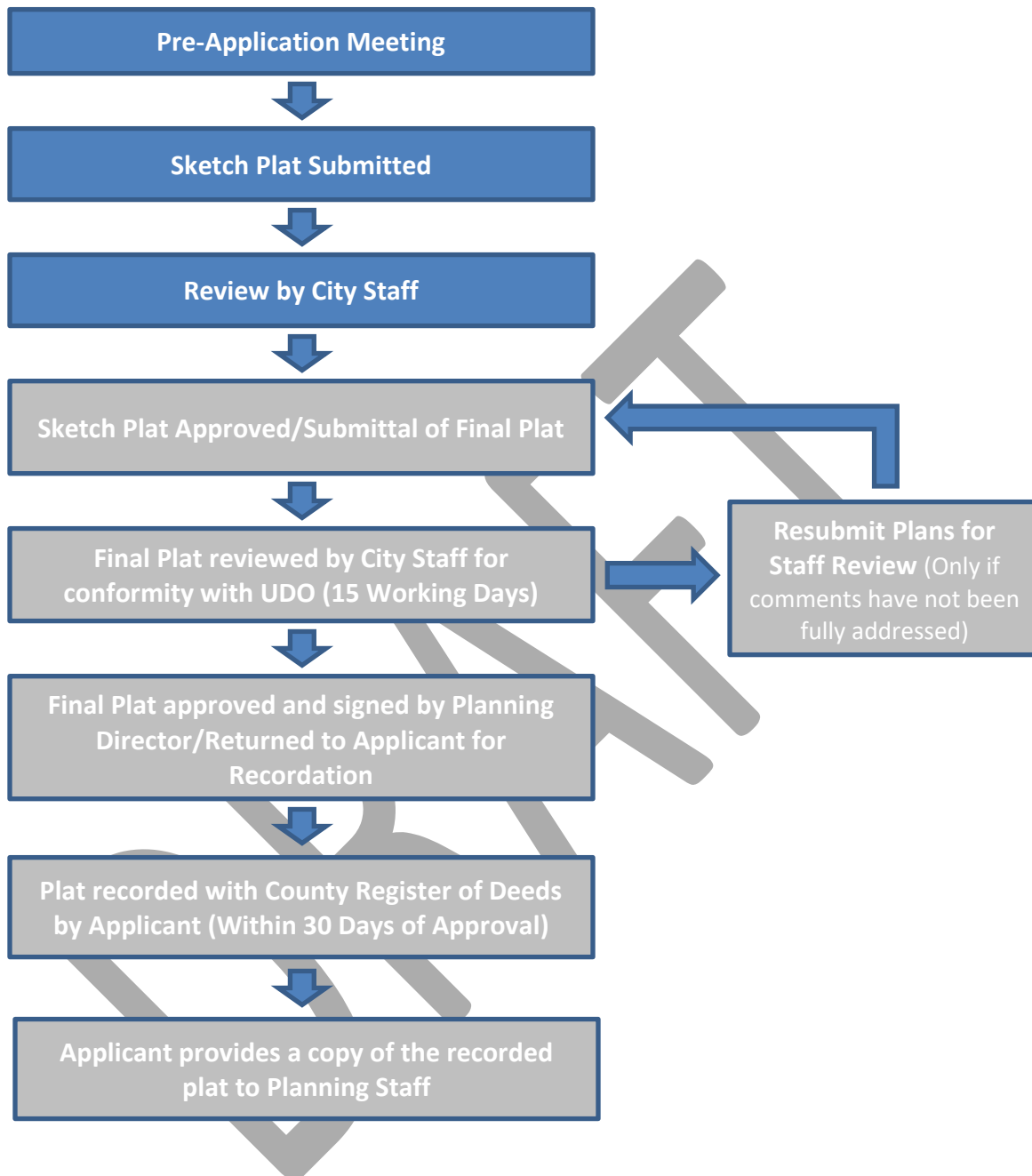
Minor Subdivision (UDO Section 6.3)

A minor subdivision is defined as a subdivision involving no new public street right-of-way dedications. Widening of an existing and platted street right-of-way is permitted under a minor subdivision.

The extension of water and sewer that falls under the ownership and maintenance of the City shall be allowed under a minor subdivision review provided that construction plans for the utility extensions are submitted and approved by the City. No minor plat that includes public utility extensions shall be approved until all improvements have been inspected and accepted by the City.

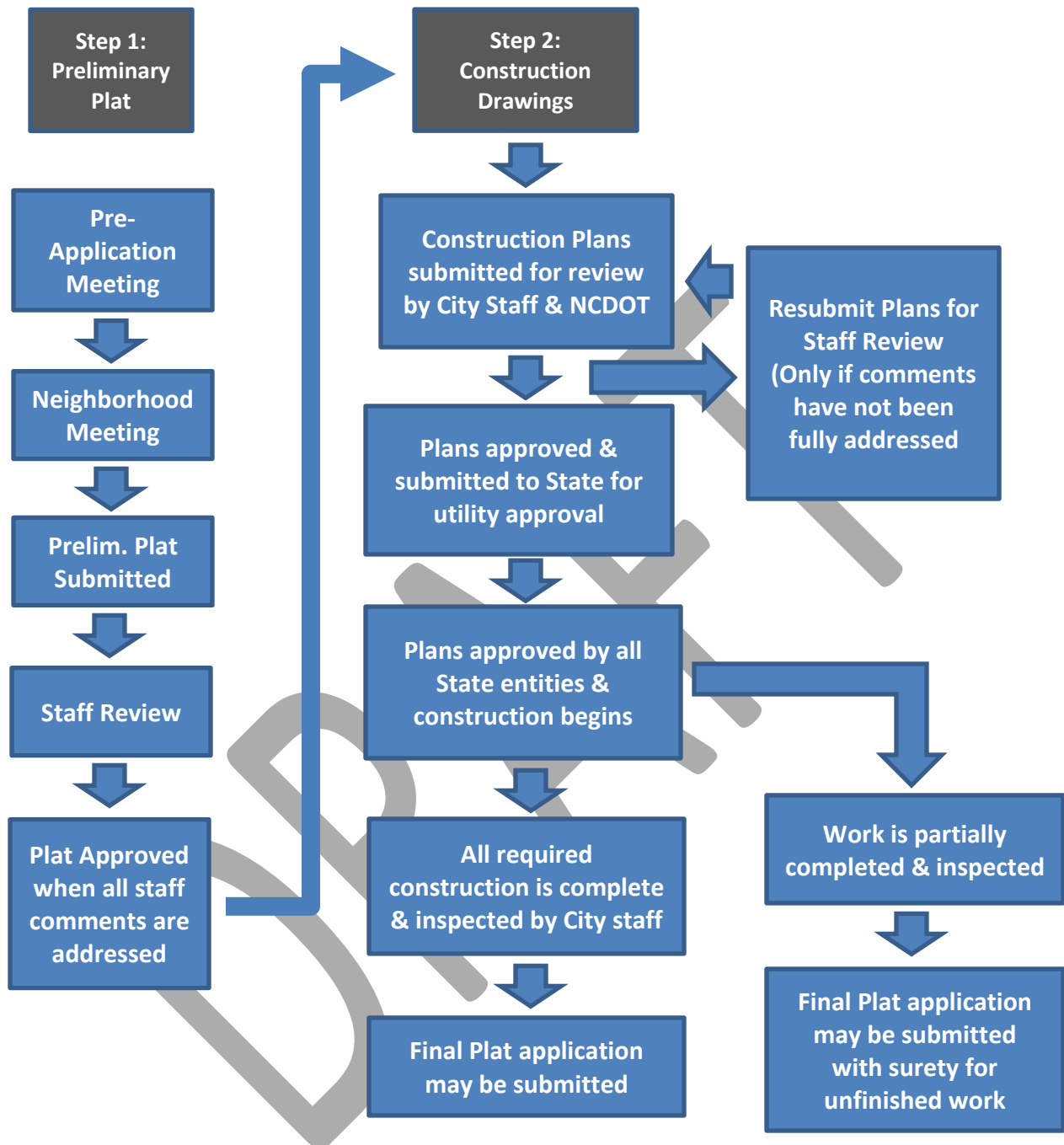
The typical progression of minor subdivision approval includes the following steps: (1) Submittal of a sketch plat; and (2) submittal of a final plat. Once the final plat is reviewed and all corrections made for conformity with the UDO, the applicant has 30 days to record the plat with the appropriate County Register of Deeds. If the plat is not recorded within 30 days, the final plat approval expires, unless extended by the Zoning Administrator (Planning Department). The full minor subdivision plat review process is outlined below:

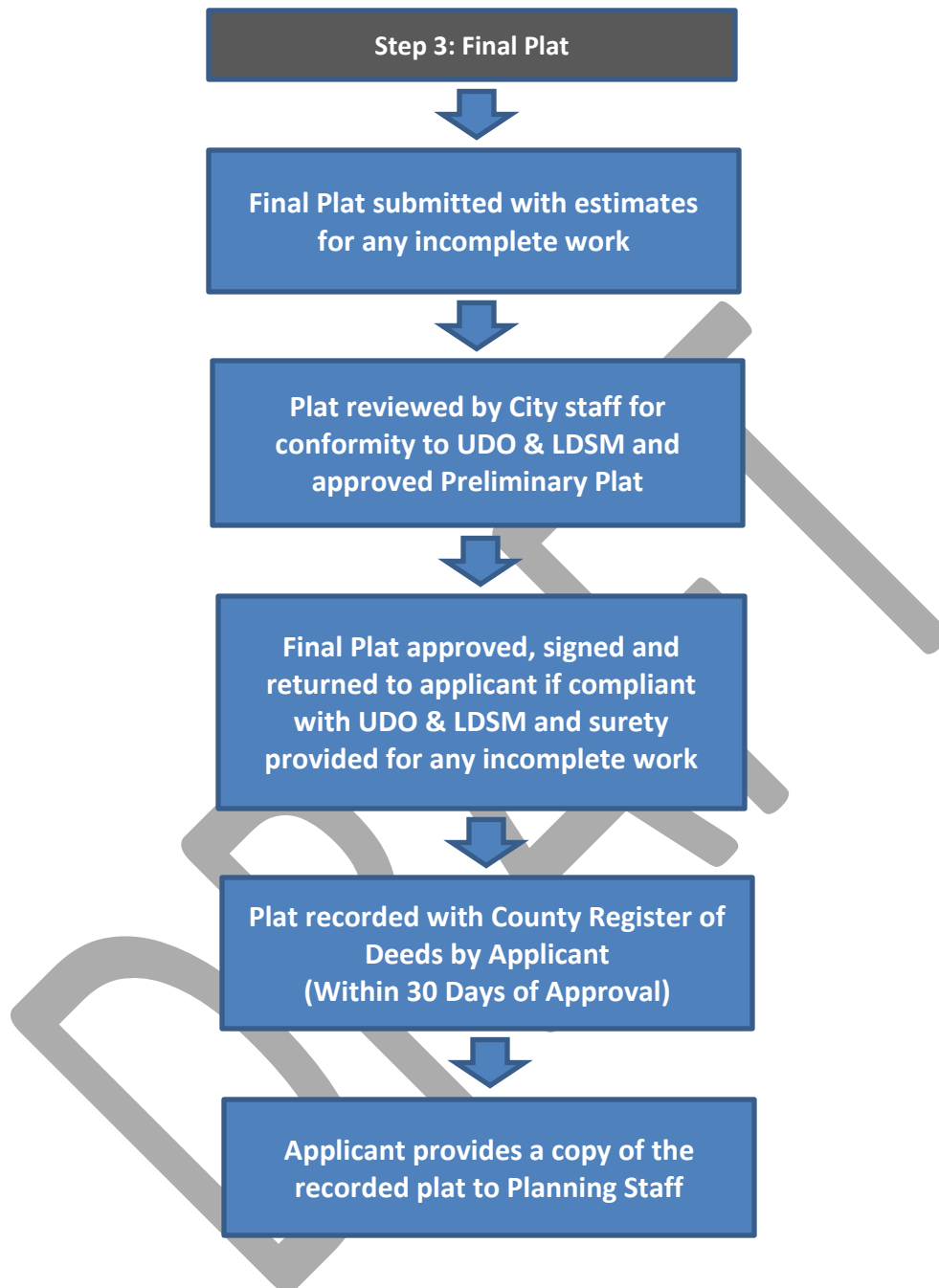
Minor Subdivision Process



Major Subdivision (UDO Section 6.4)

A major subdivision is defined as a subdivision that is not exempted by state law, or previously described as a minor subdivision. Any subdivision that will require the construction of new street right-of-way is considered a major subdivision. The progression of a major subdivision includes the following steps: (1) submittal of sketch plat; (2) submittal of a preliminary plat; (3) submittal of construction plans for all public infrastructure; (4) construction of public infrastructure and/or bonding for unfinished work; (5) submittal of final plat. Once the final plat is approved, the applicant has 30 days to record the plat with the appropriate County Register of Deeds. If the plat is not recorded within 30 days, the final plat approval expires unless extended by the Zoning Administrator (Planning Department). The full major subdivision process is outlined on the following pages:

Major Subdivision Process (Preliminary Plat and Construction Drawings)

Major Subdivision Process (Final Plat)

Plat Recordation Requirements

Once an exempt or final plat has been approved and signed by the City, the applicant submits the plat to the County Register of Deeds for recordation. The plat must be recorded within 30 days of approval unless an extension has been granted by the City. After the plat has been recorded, the applicant shall provide a copy of the plat to the Planning Department for its records. Please refer to the contact information below for the Register of Deeds in Cabarrus and Rowan County for requirements and fees for recording a plat.

Cabarrus County Register of Deeds

65 Church Street South

Concord, NC 28025

Mon. – Fri. 8:00 a.m. – 5:00 p.m.

(704) 920-2112

Rowan County Register of Deeds

402 North Main Street

Salisbury, NC 28144

Mon. – Fri. 8:00 a.m. – 5:00 p.m.

(704) 216-8626

Chapter 5: Site Plan Review

Building permits for all new construction within the City of Kannapolis, including the portion of the City located in Rowan County, are issued by the Cabarrus County Construction Standards Division. Prior to obtaining a building permit, the City reviews all construction plans to ensure that the new construction will be in compliance with all requirements of the UDO and the LDSM. The City reviews two type of site plans: minor site plans and major site plans.

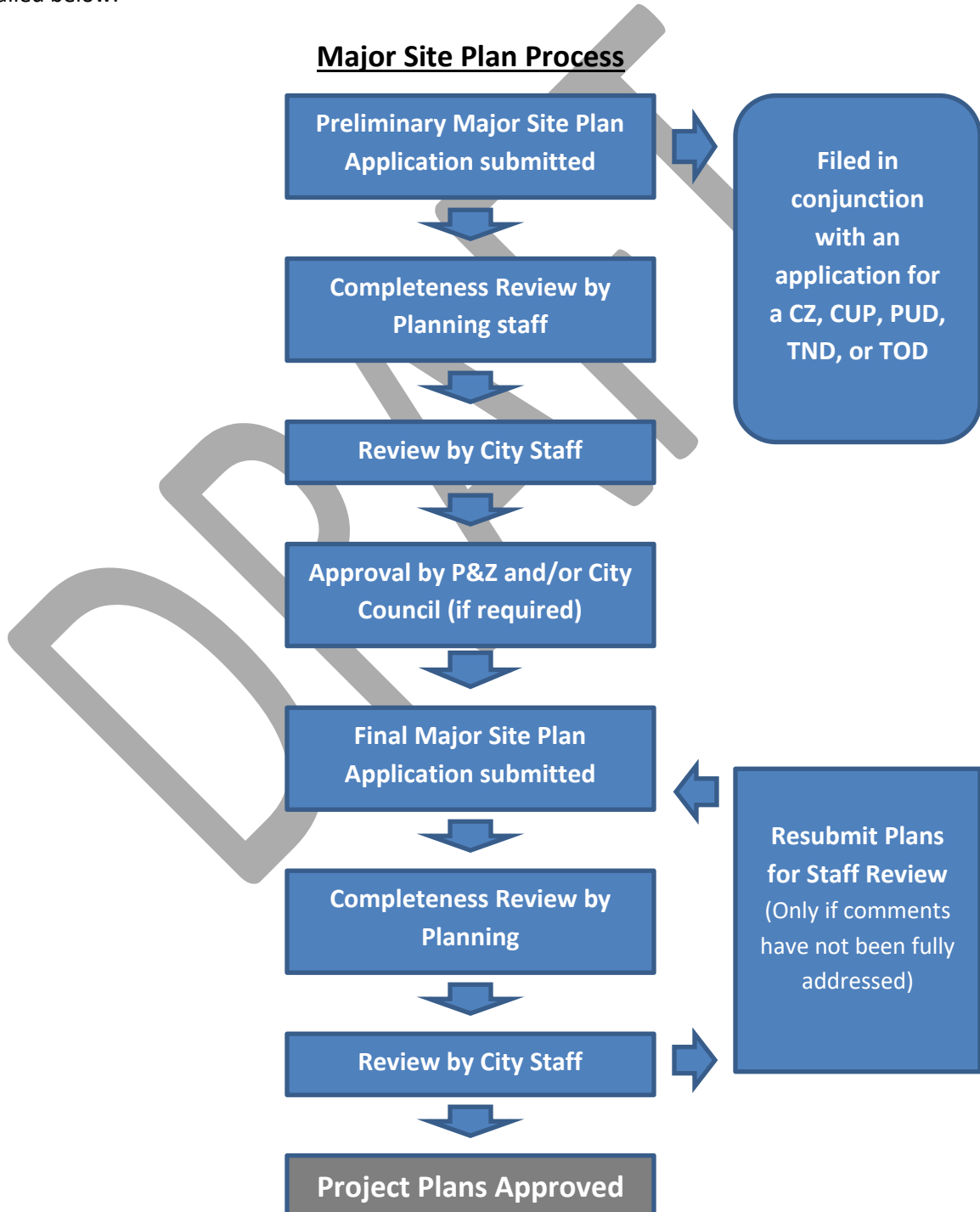
Minor Site Plan (UDO Section 3.6.5)

Most site plans reviewed by the City are considered minor site plans. Minor site plans are required for any non-residential use or multi-family dwelling unit that is permitted by right in the zoning district within which the development is located. Approval for a minor site plan is a one-step process: The applicant submits a Minor Site Plan application to the Planning Department which is then reviewed for conformance with the requirements of the UDO (e.g. parking, landscaping, setbacks, and any required architectural design standards). Other City departments will review the site plan for traffic circulation, utilities, and Fire Code. Once Planning staff determines conformance to the UDO, a Zoning permit is issued. The applicant then presents the Zoning Permit to the County for issuance of a building permit. The complete Minor Site Plan review process can be illustrated below:



Major Site Plan (UDO Section 3.6.6)

Major site plans are required for a Planned Unit Development (PUD), Traditional Neighborhood Development (TND), or Transit-Oriented Development (TOD) district. Major Site Plan review is also required for a Conditional Zoning District (CZ) or a Conditional Use Permit (CUP). The approval process for a Major Site Plan involves two steps: 1) Submittal of a Preliminary Site Plan in conjunction with an application that requires a Major Site Plan; 2) After application approval, the applicant files a Final Site Plan for approval by the City and the issuance of a Zoning Permit. The complete Major Site Plan process is detailed below:



Appendix A: Boards and Commissions

Planning and Zoning Commission

The Planning and Zoning Commission serves as an advisory body to the City Council on issues related to the UDO. They are responsible for reviewing map amendments to the Zoning Map, text amendments to the UDO, and applications for Exceptions to the Subdivision Ordinance. The Commission also reviews updates and revisions to long-range plans, such as the Comprehensive Plan and the Center City Master Plan.

The Commission is a nine-member body appointed by the City Council for a term of three years. Meetings of the Planning and Zoning Commission are open to the public and held the first Wednesday of the month at 6:00 p.m. at Kannapolis City Hall, located at 401 Laureate Way.

Board of Adjustment

The Board of Adjustment (BOA) serves as a quasi-judicial board appointed by the City Council to hear administrative appeals and requests for variances from the UDO. They also grant Conditional Use Permits and issue Certificates of Nonconformity Adjustments.

- An Administrative appeals is when an applicant believes that City Staff (Zoning Administrator) has not properly interpreted the UDO.
- Variance requests are when an applicant is requesting relief from a standard of the UDO. (State law prohibits use variances and variances may only be granted if the applicant establishes that a hardship exists).
- Conditional Use Permits are required for uses in a zoning district that are denoted on Table 4.6-1 in Article 4 of the UDO with the letter “C”. These uses require review by the BOA to ensure that the use is appropriate within the location requested. Approval of a CUP is determined by a number of factors including: location of the use, design, and configuration as well as other factors that would affect public safety, health, or welfare.
- Certificates of Nonconformity Adjustment (CONA) are necessary when an existing nonconforming use or structure, which is a use or structure that existed prior to the adoption of the UDO, is being modified or enlarged.

The BOA is an eight-member body appointed by the City Council for a term of three-years. Meetings of the BOA are open to the public and held the third Tuesday of the month at 6:00 p.m. at Kannapolis City Hall, located at 401 Laureate Way.

Appendix B: Useful Contacts

Below is a list of entities that may be helpful during the development process.

Cabarrus County Register of Deeds <i>(Recording of Plats in Cabarrus County)</i> 65 Church Street South Concord, NC 28025 (704) 920-2112	Rowan County Register of Deeds <i>(Recording of Plats in Rowan County)</i> 402 North Main Street Salisbury, NC 28144 (704) 216-8626
Cabarrus County Construction Standards <i>(ALL Building Permits in Kannapolis, including Rowan County except those located in the ETJ)</i> 65 Church Street South Concord, NC 28025 (704) 920-2128	Rowan County Construction Standards <i>(Building permits for Rowan county parcels located in the ETJ and outside City limits)</i> 402 North Main Street Salisbury, NC 28144 704-216-8614
NC Department of Environment & Natural Resources <i>(Grading Permits, Stormwater and Runoff)</i> 610 East Center Avenue #301 Mooresville, NC 28115 (704) 663-1699	NCDOT – Division 9 <i>(NCDOT Access in Rowan County)</i> Brett Abernathy (336) 747-7800 jbabernathy@ncdot.gov
NCDOT – Division 10 <i>(NCDOT Access in Cabarrus County)</i> Jeff Burleson (704) 983-4360 jaburleson@ncdot.gov	City of Kannapolis Engineering Department 401 Laureate Way Kannapolis, NC 28081 Scott Kaufhold (704) 920-4222

Carbarrus-Rowan Metropolitan Planning Organization (CRMPO): www.crmppo.org/

Flood Risk Information System (FRIS): <https://fris.nc.gov/fris/>

North Carolina Department of Environmental Quality (NCDEQ): <https://deq.nc.gov/>

Water & Sewer Authority of Cabarrus County (WSACC): <https://www.wsacc.org/>

City of Kannapolis:

Applications/Stormwater forms: www.kannapolisnc.gov/Government-Departments/Planning/Applications-Permits-Documents

Land Development Standards Manual: **(Link TBD)**

Unified Development Ordinance (UDO): www.kannapolisnc.gov/Government-Departments/Planning/UDO

Fee Schedule: www.kannapolisnc.gov/Government-Departments/Planning/Documents/Fee-Schedule



**City of Kannapolis
City Council Meeting
April 22, 2019
Staff Report**

TO: Mayor and City Council
FROM: Wilmer Melton, III - Director of Public Works
TITLE Public Hearing to consider a request for
withdrawal from dedication a portion of Quebec
Court R-O-W located off Kannapolis Parkway

A. Action Requested by City Council

1. Conduct a Public Hearing and,
2. Motion to approve an order closing a portion of Quebec Court R-O-W located off Kannapolis Parkway.

B. Required Votes to Pass Required Action

Majority present at meeting

C. Background

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

The property owner has requested the closure of a portion of Quebec Court R-O-W located off Kannapolis Parkway. 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 streets and alleys that are no longer necessary for public use, returning the land to private ownership.

F. Legal Issues

None

G. Alternative Courses of Action and Recommendation

1. **Motion to approve an Order to Close thereby withdrawing from dedication a portion of Quebec Court R-O-W located off Kannapolis Parkway. (Recommended)**
2. Take no action
3. Motion to table item to a future meeting

ATTACHMENTS:

File Name

- ☐ Petition_Quebec_Court.pdf
- ☐ Survey_Quebec_Court.pdf
- ☐ Checklist_for_closure_-_Quebec_Court.pdf
- ☐ Order_to_Close_Unopened_Portion_of_Quebec_Court_R-O-W.doc

PETITION FOR STREET OR ALLEY CLOSURE

We, the property owners abutting the alley or street located at (please describe) Quebec Ct.

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

ELM Partners 2 LLC 5881 Quebec Ct. 704-796-8125 [Signature]
Ricic Meeks, Mgr/Asst

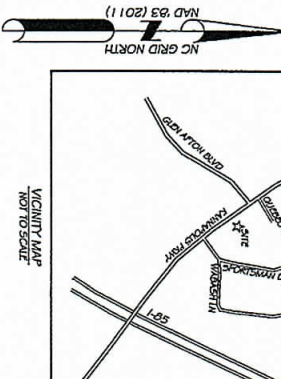
Tommy Wade Snyder 5851 Quebec Ct. 704-782-6342 [Signature]
Concord 28027

NOTES:

1. THESE RECOMMENDATIONS ARE NOT TO BE USED IN A SPECIAL, REASONING, OR ANY OTHER MANNER THAT WOULD BE IN VIOLATION OF THE PROFESSIONAL ETHICS OF THE SURVEYOR.
2. THE RECOMMENDATIONS ARE BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND THE SURVEYOR'S FIELD NOTES. THE SURVEYOR HAS NOT CONDUCTED A VISUAL INSPECTION OF THE PROPERTY OR THE RECORDS OF THE CITY OF KANNAPOLIS.
3. THE SURVEYOR HAS NOT CONDUCTED A VISUAL INSPECTION OF THE PROPERTY OR THE RECORDS OF THE CITY OF KANNAPOLIS.
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STATE OF NORTH CAROLINA
COUNTY OF CARROLL
CITY OF KANNAPOLIS
RECOMMENDATION FOR RECOMBINATION
ALL RECOMMENDATIONS FOR RECOMBINATION
DATE: 5-12-19

STATE OF NORTH CAROLINA
COUNTY OF CARROLL
CITY OF KANNAPOLIS
RECOMMENDATION FOR RECOMBINATION
ALL RECOMMENDATIONS FOR RECOMBINATION
DATE: 5-12-19



LINE	BEARING	DISTANCE	POINT
1	N 10° 15' 00" E	100.00	1
2	S 89° 45' 00" W	100.00	2
3	N 10° 15' 00" E	100.00	3
4	S 89° 45' 00" W	100.00	4
5	N 10° 15' 00" E	100.00	5
6	S 89° 45' 00" W	100.00	6
7	N 10° 15' 00" E	100.00	7
8	S 89° 45' 00" W	100.00	8
9	N 10° 15' 00" E	100.00	9
10	S 89° 45' 00" W	100.00	10

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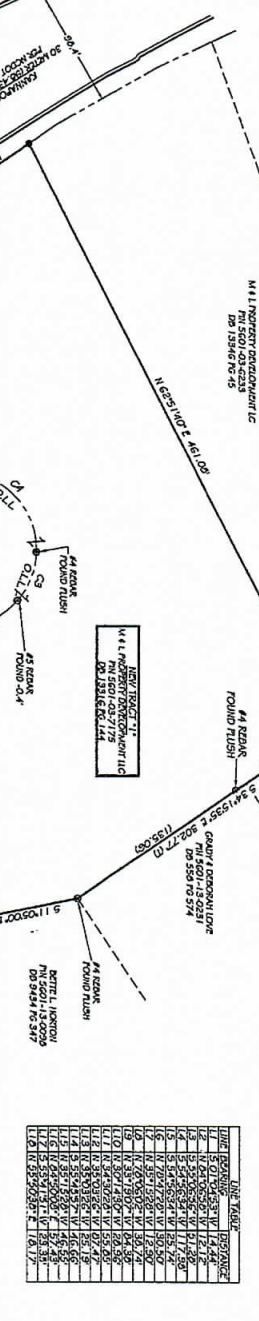
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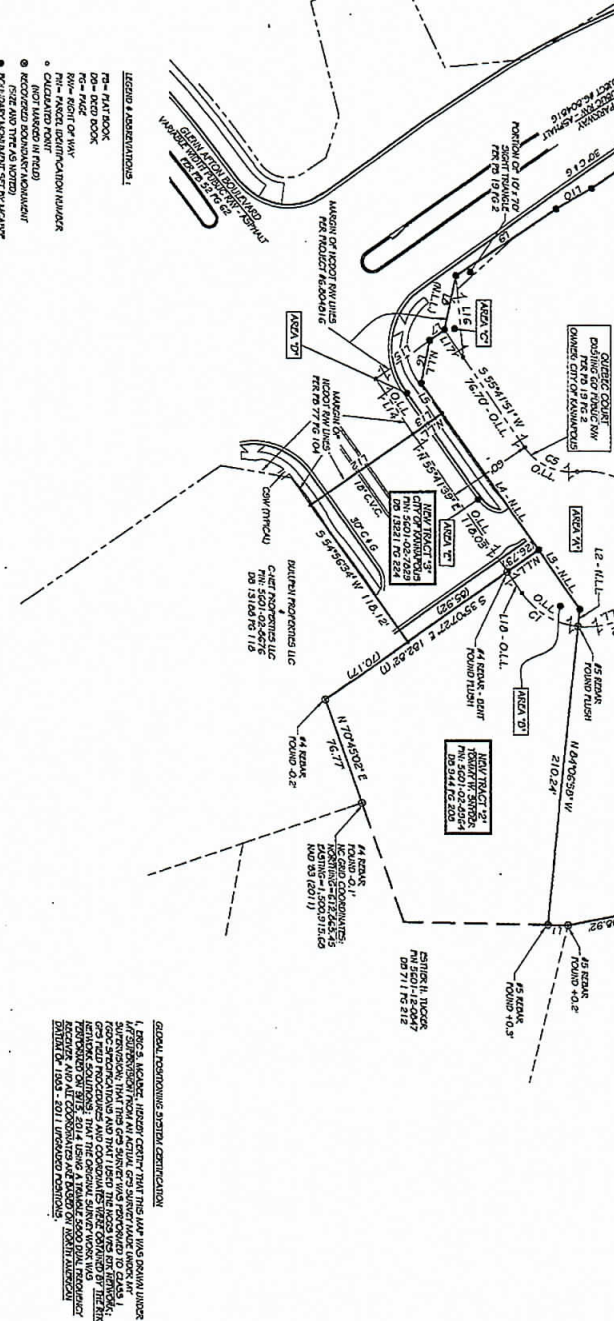
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10. THE SURVEYOR HAS NOT CONDUCTED A VISUAL INSPECTION OF THE PROPERTY OR THE RECORDS OF THE CITY OF KANNAPOLIS.



AREA	RECOMMENDATION
AREA 1	TO BE REMOVED FROM CITY-OWNED RIGHT OF WAY FOR RECOMBINATION WITH NEW PROJECT. (PIN: 5601-02-7175)
AREA 2	TO BE REMOVED FROM CITY-OWNED RIGHT OF WAY FOR RECOMBINATION WITH NEW PROJECT. (PIN: 5601-02-7175)
AREA 3	TO BE REMOVED FROM CITY-OWNED RIGHT OF WAY FOR RECOMBINATION WITH NEW PROJECT. (PIN: 5601-02-7175)
AREA 4	TO BE REMOVED FROM CITY-OWNED RIGHT OF WAY FOR RECOMBINATION WITH NEW PROJECT. (PIN: 5601-02-7175)
AREA 5	TO BE REMOVED FROM CITY-OWNED RIGHT OF WAY FOR RECOMBINATION WITH NEW PROJECT. (PIN: 5601-02-7175)
AREA 6	TO BE REMOVED FROM CITY-OWNED RIGHT OF WAY FOR RECOMBINATION WITH NEW PROJECT. (PIN: 5601-02-7175)
AREA 7	TO BE REMOVED FROM CITY-OWNED RIGHT OF WAY FOR RECOMBINATION WITH NEW PROJECT. (PIN: 5601-02-7175)
AREA 8	TO BE REMOVED FROM CITY-OWNED RIGHT OF WAY FOR RECOMBINATION WITH NEW PROJECT. (PIN: 5601-02-7175)
AREA 9	TO BE REMOVED FROM CITY-OWNED RIGHT OF WAY FOR RECOMBINATION WITH NEW PROJECT. (PIN: 5601-02-7175)
AREA 10	TO BE REMOVED FROM CITY-OWNED RIGHT OF WAY FOR RECOMBINATION WITH NEW PROJECT. (PIN: 5601-02-7175)



McABEE & ASSOCIATES, P.A.
PROFESSIONAL LAND SURVEYING
Eric S. McAbee, PLS
J. Barry West, PLS
Wallace S. McAbee, PLS (Emeritus)
3 McAbee Trail Fairview North Carolina, 28730
www.mcabeesurvey.com Firm License Number: C-694

NO.	DATE	DESCRIPTION	BY
1	5-12-19	RECOMMENDATION FOR RECOMBINATION	Eric S. McAbee

QUEBEC COURT SUBDIVISION AND PARCEL RECOMBINATION SURVEY FOR:
M & L PROPERTY DEVELOPMENT LLC
TOMMY WADE SNYDER
CITY OF KANNAPOLIS
N.C. DEPARTMENT OF TRANSPORTATION
PIN: 5601-02-7175 (OWNER: M & L PROPERTY DEVELOPMENT LLC)
PIN: 5601-02-6964 (OWNER: TOMMY WADE SNYDER)
PIN: 5601-02-7029 (OWNER: CITY OF KANNAPOLIS)
CITY OF KANNAPOLIS
CARROLL COUNTY, N.C.

**CHECK LIST FOR
STREETS AND ALLEYS PROCEDURE FOR
CLOSING (G.S. 160A-299)
Unopened R-O-W Known as Quebec Court**

<u>PROCEDURE</u>	<u>RESPONSIBILITY</u>
1. Submission of request to City must include:	Property Owners:
(a) Letter of request (petition) signed by all property owners abutting street or alley.	(a) <u>2-11-19</u>
(b) Copy of recorded plat showing original layout or dedication of street or alley.	(b) <u>2-11-19</u>
(c) Registered land surveyors plat of recent survey of portion of street to be closed on legal size drawing, suitable for recording.	(c) <u>2-11-19</u>
(d) Non-refundable application fee of \$300.00	(d) Public Works <u>2-11-19</u>
2. Review and recommendation to City Manager by Legal, Planning and Public Works.	City Staff <u>2-26-19</u>
3. Recommendation to City Council	Public Works <u>3-25-19</u>
4. Adopt Resolution of Intent	City Council <u>3-25-19</u>
5. Public Notice	
(a) Publish Newspaper (one per week, four consecutive weeks)	City Clerk ²² <u>3/31, 4/7, 4/14, 4/21</u>
(b) Posted notices (two signs on street)	Public Works <u>3/30/19</u>
(c) Mail copy of Resolution of Intent to all adjoining property owners by Registered or Certified Mail	City Clerk ²² <u>4/2/19</u>
6. Public Hearing	City Council <u>4-22-19</u>
7. Order of Closing	City Council <u>4-22-19</u>
8. Record closing order with Register of Deeds Office	City Attorney <u>To Be Recorded After Approval</u>

**CITY COUNCIL
CITY OF KANNAPOLIS
ORDER TO CLOSE**

WHEREAS, pursuant to North Carolina General Statute 160A-299, City Council of the City of Kannapolis has proposed to permanently close a portion of Quebec Court R-O-W located off Kannapolis Parkway described as a Public Street or alley pursuant to Section 160A-299 of the General Statutes of North Carolina which is more particularly described as:

LEGAL DESCRIPTION

AREA "A"

Beginning at a #4 rebar, said rebar being located N 35°07'27" W 182.82' from a #4 rebar found at the southern-most corner of Block 3 Lot 6 (per Plat Book 19 Page 1); thence S 54°56'34" W a distance of 117.98' to a point; thence S 54°56'34" W a distance of 25.74' to a #4 rebar; thence N 78°47'28" W a distance of 69.39' to a #4 rebar; thence N 33°19'07" W a distance of 13.12' to a point; thence N 84°50'08" E a distance of 57.43' to a point; thence N 55°41'51" E a distance of 76.70' to a point; thence with a curve turning to the left with an arc length of 43.09', with a radius of 40.00', with a chord bearing of N 24°50'12" E, with a chord length of 41.04' to a point; thence with a reverse curve turning to the right with an arc length of 94.36', with a radius of 54.96', with a chord bearing of N 42°33'13" E, with a chord length of 83.19' to a #4 rebar; thence with a compound curve turning to the right with an arc length of 37.56', with a radius of 54.96', with a chord bearing of S 68°41'15" E, with a chord length of 36.83' to a #4 rebar; thence with a compound curve turning to the right with an arc length of 52.91', with a radius of 54.96', with a chord bearing of S 21°32'01" E, with a chord length of 50.89' to a #4 rebar; thence N 84°06'58" W a distance of 12.12' to a #4 rebar; thence S 55°06'56" W a distance of 51.28' to the point of beginning, having an area of 0.294 acres (12,796.6 square feet).

Subject to a 0.049 acre driveway easement for the benefit of Tommy Snyder.

AREA "B"

Beginning at a #4 rebar, said rebar being located N 35°07'27" W 182.82' from a #4 rebar found at the southern-most corner of Block 3 Lot 6 (per Plat Book 19 Page 1); thence N 55°06'56" E a distance of 51.28' to a #4 rebar; thence S 84°06'58" E a distance of 12.12' to a #5 rebar; thence with a curve turning to the right with an arc length of 47.77', with a radius of 54.94', with a chord bearing of S 30°48'31" W, with a chord length of 46.28' to a point; thence S 55°50'38" W a distance of 18.17' to a #4 rebar; thence N 35°07'27" W a distance of 26.74' to the point of beginning, having an area of 0.031 acres (1347.9 square feet).

WHEREAS, a Public Hearing on the question of such closing was held on April 22, 2019, at which time the plans for such closing were explained and all persons given an opportunity to be heard; and

WHEREAS, notice of said closing was given in accordance with the requirements of law; and

WHEREAS, it has been found to the satisfaction of the City Council after the Public Hearing that closing of the street or public roadway is not contrary to the public interest and that no individual owning property in the vicinity of the street or public roadway or in the subdivision in which it is located would be deprived of reasonable means of ingress or egress to his property.

NOW, THEREFORE, IT IS HEREBY ORDERED by the City Council of the City of Kannapolis as follows:

1. That the portion of Quebec Court R-O-W located off Kannapolis Parkway as described above, is hereby closed effective immediately.
2. That the City of Kannapolis reserves any and all right, title and interest in and to any utility improvements or easements within any portion of the above described street closed pursuant to this Order.
3. That a certified copy of this Order be filed in the office of the Register of Deeds for Cabarrus County, North Carolina.

Adopted this 22nd day of April 2019.

Milton D. Hinnant
Mayor

Attest:

Bridgette Bell, MMC, NCCMC
City Clerk



**City of Kannapolis
City Council Meeting
April 22, 2019
Staff Report**

TO: Mayor and City Council
FROM: Zachary D. Gordon, AICP, Planning Director
TITLE Public Hearing Minimum Housing Code Violation-
151 Waco Avenue

A. Action Requested by City Council

Conduct a Public Hearing and consider adopting an Ordinance to demolish the substandard structure at 151 Waco Avenue.

B. Required Votes to Pass Required Action

Majority present at meeting

C. Background

The house on the property has been vacant for years and according to the water department, water utilities are nonexistent. There is strong evidence of vagrant activity. Neighbors have verified that vagrants have been an on-going problem and evidence of vagrant activity can be seen in a picture within this packet.

The taxes are approximately \$2,700 delinquent, but contractor fees resulting from code enforcement issues can be contributed to the delinquent amount.

After obtaining a title search from our legal staff, notifications were sent and the legal Minimum Housing Code process was followed. The first contact staff has had during this case was on April 3, 2019 when the primary owner of the property contacted the Planning Department. The owner stated that she lives out-of-state and indicated that she intends to sell the property prior to the April 22nd meeting date. This will be monitored in case a sell does occur.

Currently the house is open and not secure. There is evidence of water entry and rotting wood around the house. The HVAC unit has been removed and there is considerable trash scattered within and about the property.

D. Fiscal Considerations

Funding to demolish this structure is available in the Planning Department budget. The expected cost to demolish the house is approximately \$3,500 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. **Conduct a Public Hearing and consider adoption of an Ordinance to demolish the substandard structure (Recommended)**
2. Do not adopt the Ordinance and take no action.
3. Table action to a future meeting

ATTACHMENTS:

File Name

- ❏ Demo_Ordinance_151_Waco_Ave.pdf
- ❏ Hearing_Notice_151_Waco_Ave_CE19-1016.docx
- ❏ Lis_Pendens_151_Waco_Ave.docx
- ❏ Exhibit_A_151_Waco_Ave.doc
- ❏ Findings_151_Waco_Ave_CE19-1016.docx
- ❏ 100_1600.JPG
- ❏ 100_1588.JPG
- ❏ 100_1584.JPG
- ❏ 100_1595.JPG
- ❏ 151waco.pdf

File No. CE19-1016

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 **May 15, 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:

151 Waco Avenue (PIN 5623-28-4360)

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 **28th 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.

(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 22nd day of April, 2019.

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 **151 Waco Avenue (5623-28-4360)**, 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 **11:00 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.

This the 13th 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:

Lyndia Diane Little

PRLAP Inc. (Trustee)

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:

151 Waco Avenue

Cabarrus County Tax Department Parcel Identification Number (PIN#) **5623-28-4360**

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 4, 2019**

For completion by Clerk:
JD _____, Page _____

Title: Code Enforcement Officer
City of Kannapolis, North Carolina

"Exhibit A"
Inspection conducted on November 27, 2018
151 Waco Avenue

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 \$20,035 which is 50% of the tax value of the building. The total tax value of the building is \$40,070.00

December 28, 2018

File No. CE19-1016

FINDINGS OF FACT AND ORDER

TO: Owners and parties of interest of the property located at **151 Waco Avenue (5623-28-4360), 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.

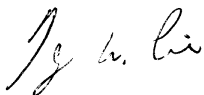
Upon the record and all of the evidence offered and contentions made, the undersigned Minimum Housing Code Inspector does hereby find the following facts:

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 in attendance**
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
11:37



11/27/2018
11:34



11/27/2018
11:34



11/27/2018
11:36





**City of Kannapolis
City Council Meeting
April 22, 2019
Staff Report**

TO: Mayor and City Council
FROM: Zachary D. Gordon, AICP, Planning Director
TITLE Public Hearing Minimum Housing Code Violation
409 Oak Circle

A. Action Requested by City Council

Conduct a Public Hearing and consider adopting an Ordinance to demolish the substandard structure at 409 Oak Circle.

B. Required Votes to Pass Required Action

Majority present at meeting

C. Background

The owners of the property at 409 Oak Circle died in 2010 and 2012. Taxes have not been paid since 2010 resulting in excess of \$11,000 in backed taxes. Contact with Rowan County Tax Department revealed there is not a current foreclosure case on the property, but following the possible demolition of the house a case is likely to be started.

A title search revealed distant relatives of the owners but after contact was made, most of the relatives did not want to pursue ownership of the property to neither repair nor demolish the house.

Areas of the house have severe wood rot making it unsafe to enter at all points. The back portion of the house is open due to a collapsed roof and floor area. There doesn't appear to be vagrant activity on the property at this time.

D. Fiscal Considerations

Funding to demolish this structure is available in the Planning Department budget. The expected cost to demolish the house is approximately \$3,500 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. **Conduct Public Hearing and consider adoption of the Ordinance to demolish the substandard structure (Recommended)**
2. Do not adopt the ordinance and take no action
3. Table action to a future meeting

ATTACHMENTS:

File Name

- ☐ Demo_Ordinance_409_Oak_Circle.pdf
- ☐ Hearing_Notice_409_Oak_Circle_CE17-2162.docx
- ☐ 409_Oak_Circle_Public_Notice_Ad.pdf
- ☐ Exhibit_A_409_Oak_Cir.doc
- ☐ Lis_Pendens_409_Oak_Circle.docx
- ☐ Findings_409_Oak_Cir_CE17-2162.docx
- ☐ 101_0194.JPG
- ☐ 101_0195.JPG
- ☐ 101_0196.JPG
- ☐ 101_0197.JPG
- ☐ 409oak.pdf

**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 4, 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 **May 15, 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:

409 Oak Circle (Map 148 Parcel 166)

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 **4th 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.

(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 22nd day of April 2019.

Milton D. Hinnant, Mayor

ATTEST:

Bridgette Bell, MMC, NCCMC
City Clerk



File No. CE17-2162

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 **409 Oak Circle (PIN 148-166)**, 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 **11:00 A.M on December 4, 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 Hosing Code, and do in fact render such dwelling unit unfit for human habitation, the Housing Inspector will issue an order in writing directed to the owner of such property requiring the owner to remedy these conditions. The Housing Inspector may make such other orders and take such other procedures as are authorized under the Housing Code and the General Statutes of North Carolina.

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

This the 15th day of November 2018.

Tony W. Cline
Housing Inspector

NORTH CAROLINA COMMUNITY NEWSPAPERS

Order Confirmation

Order# 0000518613

Client: KANNAPOLIS, CITY OF
Client Phone: 7049204300
Account #: 3143368
Address: ACTS PAYABLE/WANDATEARSHEET
KANNAPOLIS NC 28081

Payor Customer: KANNAPOLIS, CITY OF
Payor Phone: 7049204300
Payor Account: 3143368
Payor Address: ACTS PAYABLE/WANDATEARSHEET
KANNAPOLIS NC 28081

Fax: 7049337463
Email: byow@kannapolisnc.gov

Sales Rep: aboan
Ordered By: Pam

Total Amount \$233.72
Payment Amount \$233.72
Amount Due \$0.00
Tax Amount: 0.00
Payment Method: Credit - Debit Card
Order Notes:
Invoice Text:

Ad Number	Ad Type	Ad Size	Color	Production Method	Production Notes
0000518613-01	CLS Legal	2 X 46 li	\$0.00	AdBooker (liner)	

Product and Zone	Placement	Position	# Inserts
CON Independent Trib	C-Legal Ads	Legal Notices	1

Run Schedule Invoice Text: File No. CE17-2162 COMPLAINT AND NOTICE OF
Run Dates 11/18/2018

Product and Zone	Placement	Position	# Inserts
NCC Online	C-Legal Ads	Legal Notices	1

Run Schedule Invoice Text: File No. CE17-2162 COMPLAINT AND NOTICE OF
Run Dates 11/18/2018
TaxLine: FILENOCE172162COMPLAINTANDNOTICEOFHEARINGBEFORETHEHOUSING
INSPECTORUNDERTHEMINIMUMHOUSINGCODETOOWNERSANDPARTIES
SININTERESTINTHE



File No. CE17-2162

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 409 Oak Circle (PIN 148-166), 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.

YOU ARE FURTHER NOTIFIED that a hearing will be held before the Inspector of the City of Kannapolis 401 Laureate Way at 11:00 A.M. on December 4, 2018 for the purpose of finding the facts as to whether or not the condition of such property falls within the scope 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 affected.

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 Tony Cline at 704-920-4356 or tweline@kannapolisnc.gov.

Publish: November 18, 2018.

"Exhibit A"
Inspection conducted on April 13, 2018
409 Oak Circle

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 \$27,339 which is 50% of the tax value of the building. The total tax value of the building is \$27,339.00

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:

Bobby and Sylvia Woodard (Deceased)

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:

409 Oak Circle

Rowan County Tax Department Parcel Identification Number (PIN#) **148-166**

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 4, 2019**

For completion by Clerk:
JD _____, Page _____

Title: Code Enforcement Officer
City of Kannapolis, North Carolina

December 4, 2018

File No. CE17-2162

FINDINGS OF FACT AND ORDER

TO: Owners and parties of interest of the property located at **409 Oak Circle (Map 148 Parcel 166), 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.

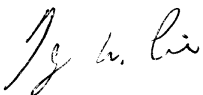
Upon the record and all of the evidence offered and contentions made, the undersigned Minimum Housing Code Inspector does hereby find the following facts:

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 but a phone conversation was held with Donna Finney**
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 4th day of March, 2018.



Tony W. Cline
Code Enforcement Officer



2019/02/18
14:27



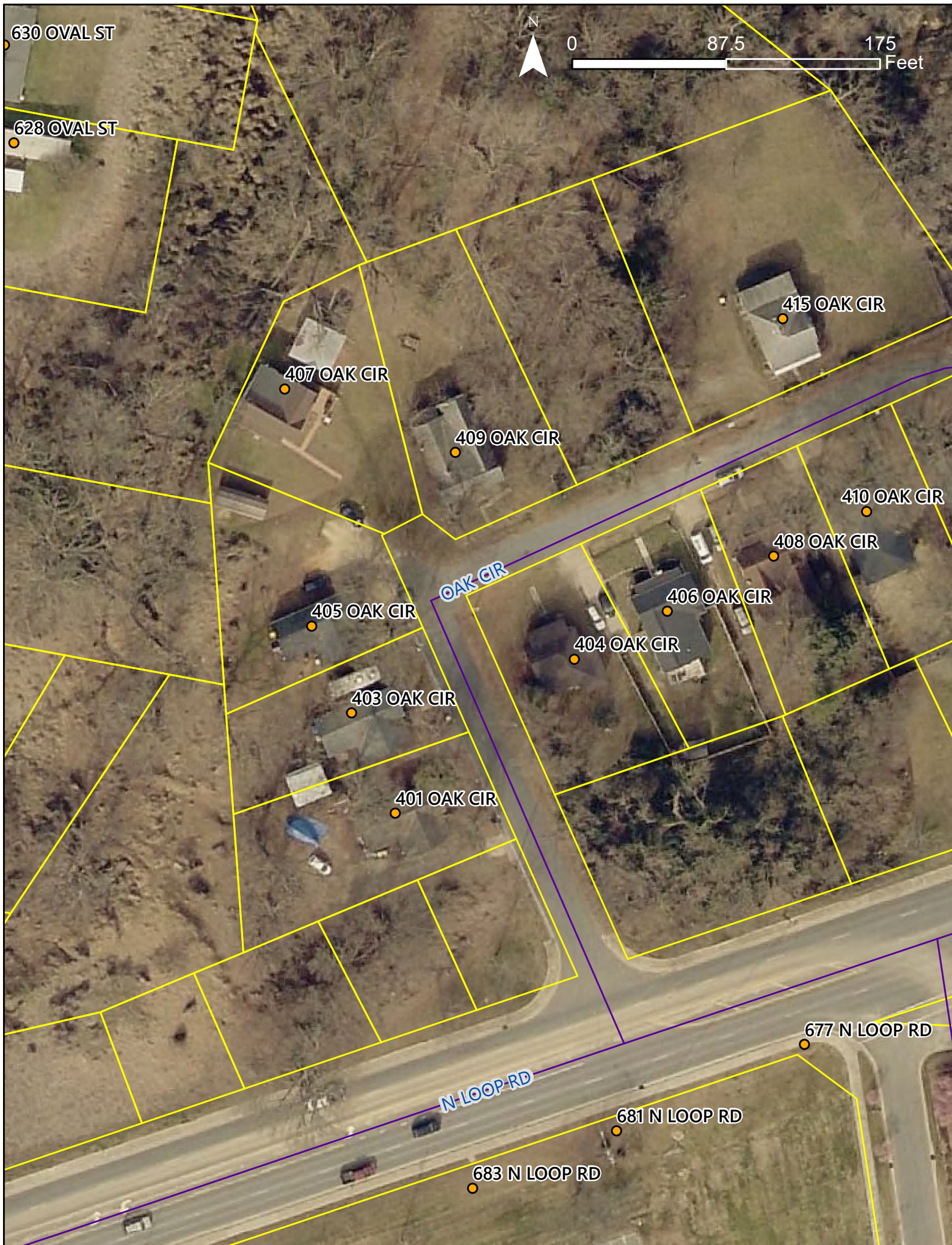
2019/02/18
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2019/02/18
14:27



2019/02/18
14:28





**City of Kannapolis
City Council Meeting
April 22, 2019
Staff Report**

TO: Mayor and City Council
FROM: Mike Legg, City Manager
TITLE Resolution approving an Ordinance Establishing a
Community Improvement Commission

A. Action Requested by City Council

Motion to adopt a Resolution to approve an Ordinance to establish a Community Improvement Commission and to dissolve the Citizens Advisory Commission for Community Development.

B. Required Votes to Pass Required Action

Majority present at meeting

C. Background

City Council expressed an interest 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 put together an ordinance to establish the 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.

With the addition of code enforcement case review, the commission will hear presentations from code enforcement officers for structures and dwellings brought forward for demolition. The commission may also hear the perspective of the property owners before voting on a recommendation to proceed with demolition, allow the property owner additional time to address the problems, or take alternative action. These recommendations will be sent to City Council with a brief summary and placed on the consent agenda for final approval. City Council has the opportunity to review these cases further if desired.

City Council will appoint the 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 the staff liaison for the code enforcement issues brought before the commission.

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

D. Fiscal Considerations

None

E. Policy Issues

None

F. Legal Issues

None

G. Alternative Courses of Action and Recommendation
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1. **Adopt a resolution to approve an ordinance to establish a Community Improvement Commission and dissolve the Citizens Advisory Commission for Community Development (Recommended)**
2. Do not adopt a resolution to approve an ordinance to establish a Community Improvement Commission and dissolve the Citizens Advisory Commission for Community Development
3. Table action to a future meeting.

ATTACHMENTS:

File Name

- ❑ Resolution_dissolving_Citizens_Advisory_Commission_for_Community_Development.pdf
- ❑ Ordinance_dissolving_Citizens_Advisory_Commission.pdf

**CITY OF KANNAPOLIS
RESOLUTION**

WHEREAS, the City Council for the City of Kannapolis desires to amend the Code of Ordinances to provide for the establishment of a Community Improvement Commission to serve as an advisory body to the Council on matters relating to HUD grants and other community development initiative; and

WHEREAS, the Community Improvement Commission shall also serve in an advisory capacity to evaluate and report to Council the advisability of adopting ordinances for the removal or demolition of residential and non-residential buildings which are not in compliance with City building standards.

NOW THEREFORE BE IT RESOLVED that the Ordinance Amending Chapter 2, Article II, "Boards and Commissions", Chapter 8 "Housing" and Chapter 4, Article II, "Non-Residential Building Maintenance Standards" attached hereto and incorporated herein is hereby approved and adopted.

Adopted and Effective this the 22nd day of April, 2019.

Milton D. Hinnant, Mayor

Bridgette Bell, MMC, NCCMC
City Clerk

CITY OF KANNAPOLIS ORDINANCE

BE IT ORDAINED that the City Council for the City of Kannapolis does hereby amend the Kannapolis City Code by the addition of Chapter 2, Article II, “Board and Commissions” as follows:

“Division 1. Establishment of Board and Commissions.

The City Council may establish such Boards and Commissions as it deems necessary or proper to serve as an advisory body to the Council for any City functions which shall have an appointment process is open and accessible to all interested citizens who desire to become involved in City government.

Sec. 2-16. Community Improvement Commission

- (a) Dissolution of Citizens Advisory Commission for Community Development. The Citizens Advisory Commission for Community Development established by Ordinance on April 22, 2008, is hereby dissolved.
- (b) Creation and Purpose. The Community Improvement Commission is hereby created and charged by the City Council with addressing the current and future needs of our community in order to achieve sustainable growth. It shall serve as an advisory body to the City Council on all matters related to the City’s HUD grants and other community development initiatives. The Commission is charged also with the following powers and duties:
 - (1) To represent citizens in the annual planning, assessing, and reviewing the Community Development program, including allocation of available funding.
 - (2) To prioritize and recommend community development needs and projects.
 - (3) To recommend improvements, changes, and amendments to the Community Development program.
 - (4) To assist with community outreach regarding fair housing, the Community Development program, and other related projects and programs.
 - (5) To consider, review, evaluate and report to Council the advisability of adopting an Ordinance to vacate, remove, or demolish a dwelling which is subject to an Order of the housing inspector to do so pursuant to the provisions of Kannapolis Code Section 8-9.1.
 - (6) To consider, review, evaluate and report to Council the advisability of adopting an Ordinance to vacate, remove or demolish a non-residential building which is subject to an Order of the non-residential maintenance standards inspector to do so pursuant to the provisions of Kannapolis Code Section 4-40.1.
- (c) Officers and Duties. Shall consist of nine (9) voting members all of whom shall be residents of the City of Kannapolis. All members shall be appointed by the City Council. Officers of the Commission shall consist of a Chairperson, a Vice Chairperson and a Secretary. Where possible appointments shall be made in such a manner to ensure that a significant majority of members have a background and/or demonstrated personal interest in, and understanding of, local socio-economic, neighborhood and urban redevelopment issues. Where practical, Commission members shall be appointed to provided representation for low and moderate

income persons, minority groups, the business community, civic groups who are concerned about the Community Development program, and the elderly and handicapped.

All appointed members shall serve a three-year term except for the initial appointments where three members shall be appointed to serve one year, three members shall be appointed to serve two years, and three members shall be appointed to serve three years, resulting in a staggered term schedule. Members may be reappointed to serve additional terms. However, priority may be given to citizens who have not previously served on the Commission.

- (1) Chairperson. The Commission shall elect a Chairperson from among its appointed members. The candidate for each office receiving a majority vote of the entire membership of the Commission shall be declared elected. This may be done by written ballot or open election. The term of office shall be one year, beginning in July each year. The Chairperson shall be eligible for re-election. The Chairperson shall decide on all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Commission in session at the time.
- (2) Vice Chairperson. A Vice Chairperson shall be elected by the Commission from among its appointed members in the same manner and for the same term as the Chairperson. The Vice Chairperson shall serve as Acting Chairperson in the Chairperson's absence and at such times shall have the same powers and duties as the Chairperson.
- (3) Secretary. The City Clerk or their designee shall serve as Secretary. The Secretary shall keep the minutes of every Commission meeting in a permanent volume. The minutes shall show the record of all important facts pertaining to each meeting. All plans, reports and recommendations of the Commission must be approved by at least a majority of the appointed Commission members. A record of each vote, decision, recommendation, and other official action shall be kept as part of the minutes, including the names of members who are absent or fail to vote. The Secretary does not act in the capacity of a Commission member.

(d) Rules of Conduct For Members.

- (1) Removal. Members of the Commission may be removed for any reason by the City Council including violation of the rules stated below or violation of the Policy for Boards, Committees and Commission established by the City Council
- (2) Attendance. Faithful attendance at all Commission meetings and conscientious performance of the duties required as a Commission member shall be considered a prerequisite of continuing membership on the Commission. Absence from three consecutive regular Commission meetings, or lack of participation in three consecutive duties shall be grounds for the City Council to terminate the appointment of such person. The Chairperson shall notify the Commission if a member has missed three consecutive regular meetings or has not participated in three consecutive duties, and a vote will be taken by the members to recommend a replacement to City Council. Vacancies in the offices on the Commission shall be filled immediately for the unexpired term by the regular election procedure.
- (3) Voting. All members shall vote on all issues brought before the Commission by show of hands unless excused by a majority of the Commission members.

- (4) Conduct. Members of the Commission shall not seek to influence a decision, participate in any action, or cast a vote involving any matter before the Commission which may result in a private benefit to themselves, their immediate relatives or their business interests. In applying this rule a Commission member who believes that a conflict of interest may exist shall declare that possible conflict and ask to be excused from deliberation on the issue in question. A majority vote of the remaining Commission members shall be required to excuse a member from deliberation from a conflict of interest.

(e) Meetings.

- (1) Regular Meetings. Meeting shall be held as often as necessary to perform the function for which the Commission has been created. A meeting schedule shall be set each year by the City staff coordinating the Commission.
- (2) Quorum. A quorum shall consist of five (5) of the members of the Commission for the purpose of taking official action.
- (3) Conduct of Meetings. All meetings shall be open to the public. Roberts Rules of Order will govern the meetings. The order of business at regular meetings shall be as follows:
 - (1) Attendee sign in
 - (2) Approval of Minutes
 - (3) Old Business
 - (4) New Business
 - (5) Adjournment

- (f) Sub-Committees. Sub-Committees may be developed by the Commission for purposes and terms which the Commission deems productive. The Commission may dissolve a sub-committee or create a new one at any time as it deems necessary. Sub-committees will meet independently of the Commission but will include members of the Commission, with a Commission member chairing the committee and reporting back to the Commission on their actions.”

BE IT FURTHER ORDAINED that the City Council does hereby amend the Kannapolis City Code Chapter 8 “Housing” with the addition of Sec. 8-9.1 as follows:

“Sec. 8-9.1 Referral of Certain Actions to the Community Improvement Commission.

- (a) In the event the housing inspector issues an order to vacate, remove or demolish a dwelling, the matter shall be submitted within fifteen days thereafter to the Planning Director or his designee for presentation to the Community Improvement Commission at its next meeting which shall consider, review and evaluate the order and advise City Council of its findings by a written report presented to the City Clerk no later than thirty days thereafter. The report shall contain a conclusion as to at least the following questions:
 - (1) Is there a substantive basis for the housing inspector’s order to vacate, remove or demolish the dwelling?
 - (2) Has the owner been given a reasonable opportunity to bring the dwelling into conformity with the housing code?

- (3) Does the Commission recommend additional time for the owner to conduct repairs or improvements necessary to bring the dwelling into conformity and, if so, what period of time is recommended?
- (b) The Commission shall have the authority to meet with members of City staff, the property owner or such other persons it deems relevant to the matter being considered.”

BE IT FURTHER ORDAINED, that the City Council does hereby amend the Kannapolis City Code Chapter 4, Article II, “Nonresidential Building Maintenance Standards” with the addition of Sec. 4-40.1 as follows:

“Sec. 4-40.1 Referral of Certain Actions to the Community Improvement Commission.

- (a) In the event the Inspector issues an order to vacate, remove or demolish a building, and there is no appeal pursuant to Sec. 4-40, the matter shall be submitted within fifteen days thereafter to the Planning Director or his designee for presentation to the Community Improvement Commission at its next meeting which shall consider, review and evaluate the order and advise City Council of its findings by a written report presented to the City Clerk no later than thirty days thereafter. The report shall contain a conclusion as to at least the following questions:
 - (1) Is there a substantive basis for the Inspector’s order to vacate, remove or demolish the building?
 - (2) Has the owner been given a reasonable opportunity to bring the building into conformity with the nonresidential building code of the City?
 - (3) Does the Commission recommend additional time for the owner to conduct repairs or improvements necessary to bring the building into conformity and, if so, what period of time is recommended?
- (b) The commission shall have the authority to meet with members of City staff, the property owner or such other persons it deems relevant to the matter being considered.”

Adopted this the 22nd day of April, 2019.

Milton D. Hinnant
Mayor

Bridgette Bell, MMC, NCCMC
City Clerk



**City of Kannapolis
City Council Meeting
April 22, 2019
Staff Report**

TO: Mayor and City Council
FROM: Walter M. Safrit, II, City Attorney; Bridgette Bell,
City Clerk
TITLE Resolution approving the Fishertown Action Plan

A. Action Requested by City Council

Motion to approve Resolution Relating to Fishertown Action Plan.

B. Required Votes to Pass Required Action

Majority present at meeting

C. Background

The Fishertown Action Plan (the “Plan”) was formally implemented by City Council action on November 26, 2017 to provide city advice and assistance with the annexation process for a distressed area under NCGS 160A-31. It appears from the City Clerk’s Findings Relating to a Certificate of Sufficiency that the citizen proponents of the Plan were unable to acquire the necessary support evidenced by the lack of signatures on the required petition. The attached Resolution is appropriate to bring the matter to a close.

D. Fiscal Considerations

None

E. Policy Issues

None

F. Legal Issues

The Resolution provides final action for the Fishertown Action Plan.

G. Alternative Courses of Action and Recommendation
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1. **Motion to approve the Resolution related to the Fishertown Action Plan(Recommended)**
2. Amend and then approve the Resolution
3. Reject the Resolution
4. Take Action at a future meeting

ATTACHMENTS:

File Name

- ▢ Fishertown_Annexation_Resolution.pdf
- ▢ City_Clerk_Findings_Relating_to_Fishertown_Certificate_of_Sufficiency.pdf

**CITY OF KANNAPOLIS
RESOLUTION
RELATING TO THE FISHERTOWN ACTION PLAN**

WHEREAS, upon receipt of the City Clerk Findings Relating to the Fishertown Certificate of Sufficiency (“Certificate of Sufficiency”) for the Fishertown Action Plan Petition (“Petition”), the City Council hereby resolves as follows:

RESOLVED, that the Certificate of Sufficiency prepared by the City Clerk is hereby confirmed and adopted; and

RESOLVED FURTHER, that as a result of the failure of the Petition presenters to meet the statutory standards the Fishertown Action Plan is hereby discontinued.

Adopted this 22nd day of April, 2019.

Milton D. Hinnant, Mayor

ATTEST:

Bridgette Bell, MMC, NCCMC
City Clerk

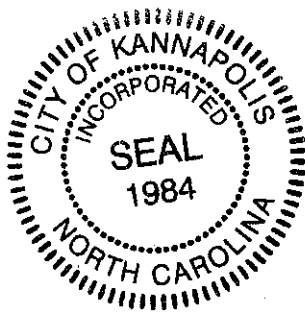
STATE OF NORTH CAROLINA
CITY OF KANNAPOLIS


FINDINGS RELATING TO A
CERTIFICATE OF SUFFICIENCY
FOR THE FISHERTOWN ACTION PLAN
[NCGS 160A-31(b1 and (j))]

I, Bridgette Laws Bell, MMC, City Clerk for the City of Kannapolis, certify that upon investigation the Petition for Annexation for the Fishertown Action Plan pursuant to North Carolina General Statute 160A-31(b1) that the owners of only 86 parcels representing 31% of parcels of real property within the designated area, signed the Petition which was not sufficient to meet the required statutory minimum of 271 parcels representing (75%).

Further, I certify that upon investigation the Petition for Annexation for the Fishertown Action Plan pursuant to North Carolina General Statute 160A-31(j) that the residents of only 40 households representing 22% of the households within the designated area signed the Petition which was not sufficient to meet the required statutory minimum of 124 households representing 66 2/3%.

IN TESTIMONY WHEREOF, I have set my hand and affixed the Seal of the City of Kannapolis this 22nd day of April, 2019.




Bridgette Laws Bell, MMC, NCCMC
City Clerk, City of Kannapolis



**City of Kannapolis
City Council Meeting
April 22, 2019
Staff Report**

TO: Mayor and City Council
FROM: Mike Legg, City Manager
TITLE Resolution to amend the regular meeting
schedule

A. Action Requested by City Council

Motion to adopt a Resolution amending the regular scheduled meeting and cancel May 27, 2019 meeting.

B. Required Votes to Pass Required Action

Majority present at meeting

C. Background

In accordance with NC General Statutes, 160A-71(a), City Council is required to adopt a regular meeting schedule for the following year. Council adopted a meeting schedule at their December 10th meeting. Monday, May 27th (Memorial Day) is a holiday and happens to fall on our regularly scheduled 4th Monday meetings.

In order for Staff to have sufficient notice regarding deadlines for public hearing publications, it is recommended that Council consider adopting a Resolution amending the regular schedule of the City Council.

City Council will be asked to continue this meeting to Tuesday, May 7th, 6:00 PM to the 2nd Floor Executive Conference Room located at 401 Laureate Way, Kannapolis, NC.

D. Fiscal Considerations

None

E. Policy Issues

None

F. Legal Issues

None

G. Alternative Courses of Action and Recommendation
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1. **Motion to approve a Resolution amending the Regular Meeting Schedule (Recommended)**
2. Do not cancel meeting
3. Table action to a future meeting

ATTACHMENTS:

File Name

- ☐ Resolution_amending_the_meeting_schedule_4-22-2019.pdf
- ☐ Amended_2019_Schedule_-_Cancel_May_27_2019.pdf

RESOLUTION
Amending the Regular Meeting Schedule
of the Kannapolis City Council

WHEREAS, pursuant to North Carolina General Statute 160A-71(a) a Governing Body has the authority and obligation to fix the time and place of its regular meetings; and

WHEREAS, the Kannapolis City Council desires to amend its meeting schedule and cancel the May 27, 2019 regularly scheduled meeting due to the Memorial Day holiday; and

WHEREAS, the regular meeting schedule previously adopted by the City Council is hereby rescinded in favor of the schedule set forth in this Resolution and shall be effective immediately and continue in effect unless and until it is revoked or amended by action of the City Council.

Adopted this 22nd day of April, 2019.

Milton D. Hinnant, Mayor

ATTEST:

Bridgette Bell, MMC, NCCMC
City Clerk



**KANNAPOLIS CITY COUNCIL 2019
REGULAR SCHEDULED MEETINGS
AMENDED (Revised 4-22-2019)**

January 14, 2019
January 28, 2019

February 11, 2019
February 25, 2019 (Meeting starts at 4:00PM)

March 11, 2019 (CANCELLED) Due to Council and Staff attending the NLC Conference
March 25, 2019

April 08, 2019
April 22, 2019

May 13, 2019
May 27, 2019 (CANCELLED) Due to the Memorial Day Holiday

June 10, 2019
June 24, 2019

July 08, 2019
July 22, 2019

August 12, 2019
August 26, 2019

September 09, 2019
September 23, 2019

October 14, 2019
October 28, 2019

November 11, 2019
November 25, 2019

December 09, 2019
December 23, 2019 **(Meeting Cancelled)**

**All meetings will begin at 6:00 PM in the Kannapolis City Hall located at
401 Laureate Way, Kannapolis. (Unless otherwise noted)**



**City of Kannapolis
City Council Meeting
April 22, 2019
Staff Report**

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

A. Action Requested by City Council

GS. 143-318.11 (a) (3) to consult with an attorney in order to preserve the attorney client privilege and G.S. 143.318.11 (a) (4) for discussing matters relating to the location or expansion of industries or businesses in the area and G.S. 143-318.11 (a) (6) for the purpose of discussing personnel matters (Mayor Pro tem Haas)

MOTION TO CONTINUE MEETING TO TUESDAY, MAY 7, 2019, 6:00PM TO THE EXECUTIVE CONFERENCE ROOM, SECOND FLOOR

B. Required Votes to Pass Required Action

C. Background

D. Fiscal Considerations

E. Policy Issues

F. Legal Issues

G. Alternative Courses of Action and Recommendation

ATTACHMENTS:

File Name

No Attachments Available