

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 191
HOUSE BILL 629

AN ACT TO INCORPORATE THE CITY OF KANNAPOLIS SUBJECT TO A VOTE
OF THE PEOPLE AND TO CREATE A COMMISSION TO DEVELOP ITS
CHARTER.

The General Assembly of North Carolina enacts:

Section 1. The inhabitants of the City of Kannapolis are incorporated a body corporate and politic under the name of the "City of Kannapolis", subject to the provisions of this act and a referendum of its qualified voters as provided in Section 11 of this act. Under that name they have all the powers, duties, rights, privileges, and immunities conferred and imposed on cities by the general law of North Carolina.

Sec. 2. Charter Commission Created. There is hereby created The Kannapolis Charter Commission. The Commission shall:

- (1) Prepare a charter for the City of Kannapolis, which shall:
 - a. Provide that the City of Kannapolis has all the powers, duties, rights, privileges, and immunities conferred and imposed on cities by the general law of North Carolina.
 - b. Establish the City's boundaries, which shall be those established in accord with Section 11 of this act and shall continue until changed in accord with law.
 - c. Determine the term of office and the manner of electing the Mayor and the members of the City's governing board, and the number of council members, all within the limits set forth in G.S. Chapter 160A, Article 5, Part 4.
 - d. Determine whether the City shall operate under the council-manager plan as provided in G.S. Chapter 169A, Article 7, Part 2, or under the mayor-council plan as provided in G.S. Chapter 160A, Article 7, Part 3.
- (2) Prepare a report setting forth the Commission's evaluation of the effect of incorporation on the citizens of the Kannapolis area if the voters should approve its incorporation, and more specifically:
 - a. Set forth its recommendations for the initial level and plan of municipal services to be provided by the City of Kannapolis upon incorporation and how those services would be financed.
 - b. Outline its recommendations for providing each major municipal service, which might include either providing the

service by force account or by contract with other public bodies or private agencies.

c. Include any recommendations for additional charter provisions or special legislation that the City of Kannapolis should seek through enactment by the 1985 General Assembly and that the Commission deems necessary or desirable to meet special needs of or conditions within the City.

(3) Provide for the dissemination of its report and the proposed charter to the citizens of the Kannapolis area.

Sec. 3. Commission Membership. (a) The Kannapolis Charter Commission is composed of 14 members living within the Kannapolis boundaries, and appointed as follows:

- (1) The Cabarrus County Commissioners shall appoint 1 member.
- (2) The Rowan County Commissioners shall appoint 1 member.
- (3) The Chairman of the Board of Cannon Mills Company shall appoint 1 member.
- (4) The Kannapolis City Board of Education shall appoint 1 member.
- (5) The Kannapolis Sanitary District shall appoint 1 member.
- (6) The Royal Oaks Sanitary District shall appoint 1 member.
- (7) The Board of Directors of the Enochville Volunteer Fire and Rescue shall appoint 1 member.
- (8) The current Task Force by majority vote, shall elect an equal number to serve on the commission (not less than 7).

(b) If any appointing authority shall fail to act not later than 30 days after enactment of this bill to make the appointments required by subdivisions (1) through (7) of subsection (a) of this section, then the Charter Commission members shall elect representatives to fill the vacant position(s).

(c) Any vacancy shall be filled by the individual or board making the original appointment within 30 days of notification by the Charter Commission of an existing vacancy. Should any vacancy not be filled within this time, the Charter Commission shall then fill the vacancy.

Sec. 4. Organization of the Commission. (a) The Commission shall select from its membership a chairman, a vice- chairman, a recording secretary and such other officers as it may deem necessary. The Commission shall adopt rules of procedure not inconsistent with this act.

(b) The Commission may appoint special committees to assist in carrying out its duties. Persons who are not members of the Commission may be appointed to said committees.

(c) The Chairman of the Kannapolis Sanitary District Board or his designee who is a resident of Cabarrus or Rowan County living within the boundaries of the City of Kannapolis shall call the organizational meeting of the Commission and preside until the Commission elects its chairman, vice-chairman, recording secretary and other officers it deems necessary. The organizational meeting shall be held within 30 days after passage of this act and shall be held between 10 and 30 days of its call.

Sec. 5. Meetings of the Commission. All meetings of the Commission shall be open to the public as provided in Article 33C of Chapter 143 of the General Statutes (the Open Meeting Law). The Commission shall adopt a schedule of regular meetings and may hold special meetings upon reasonable notice to all members.

Sec. 6. Staff of the Commission. The Commission may contract with State and local government agencies and other institutions, persons, firms, or corporations to make special studies and to assist in its work.

Sec. 7. Financing of the Commission. (a) The Commission shall prepare a budget to support its request for funds to carry out its work, not to exceed a total of thirty thousand dollars (\$30,000).

(b) The Commission shall make its requests for funds to the boards of commissioners of Cabarrus and Rowan Counties. Of the funds requested, 67 percent shall be provided by Cabarrus County and 33 percent by Rowan County.

(c) If the City of Kannapolis is established as provided in this act, its Council shall appropriate funds not later than June 30, 1987, to reimburse, Cabarrus and Rowan Counties, without interest, for the sums advanced to the Commission.

(d) The Commission's rules shall provide that all funds expended by the Commission shall be in accord with its budget and each disbursement shall be specifically approved by at least one officer and one other Commission member. Cabarrus County, through its Finance Department, shall provide accounting and treasury services for the Commission without compensation. The Commission is not subject to The Local Government Budget and Fiscal Control Act.

(e) The Commission shall submit a final report on its expenditures to the boards of commissioners of Cabarrus and Rowan Counties upon the completion of its work.

Sec. 8. Compensation for Commission Members. Members of the Commission shall receive no compensation for their services, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their official duties.

Sec. 9. Cooperation of Local Units of Government with the Commission. All local governmental units and agencies in Cabarrus and Rowan Counties shall cooperate with the Commission by providing records, reports and information upon the Commission's request.

Sec. 10. Schedules of Work and Hearings. The Commission shall publish its preliminary conclusions and findings regarding its proposed charter and other recommendations not later than March 1, 1984. The Commission shall hold at least two public hearings on these preliminary conclusions and recommendations between two and six weeks following publication of the notice. After making any changes deemed necessary following the public hearings, the Commission shall file copies of the final draft of the charter and reports with the clerks to the boards of commissioners of Cabarrus and Rowan Counties and make such other dissemination of the final drafts as it seems appropriate, no later than August 1, 1984.

Sec. 11. Incorporation Referendum. (a) The Cabarrus County Board of Elections, with the assistance of the Rowan County Board of Elections, shall conduct a

referendum on the incorporation of Kannapolis as provided in this section on November 6, 1984, at the same time as the regular general elections. The costs of the elections within their respective jurisdictions shall be met by Cabarrus and Rowan Counties.

(b) The referendum on incorporation of the City of Kannapolis shall be conducted in three separate portions of the area proposed to be incorporated, namely: (1) the central area, which includes the Kannapolis Sanitary District and the Cannon Mills Village, (2) the Royal Oaks Sanitary District area, and (3) the Enochville Community area. These three areas are described as follows:

CENTRAL AREA

Being all of the area included within the existing boundaries of the Kannapolis Sanitary District, its annexations and pending annexations, including therein the properties of Cannon Mills Company and others lying within the outer boundaries of the Kannapolis Sanitary District but presently excluded from the Kannapolis Sanitary District, together with various areas lying adjacent to the boundaries of the Kannapolis Sanitary District, this area being more fully described as follows:

BEGINNING at a point in U.S. Highway 29A (North Main Street) where the boundary line of the Kannapolis Sanitary District intersects the center line of U.S. Highway 29A, this point lying 150 feet North, more or less, of the intersection of Airport Road with U.S. Highway 29A, and runs thence along the existing boundaries of the Kannapolis Sanitary District, its annexations and pending annexations, in a clockwise direction as the boundaries cross Southern Railway, U.S. Highway 29, Ebenezer Road, Moose Road, Lane Street, and to a point on the Old China Grove Road; thence continuing along the Kannapolis Sanitary District boundary line crossing Brantley Road, Midlake Road, Hopedale Street, and continuing to a point in Lindsay Drive, a corner of the Kannapolis Sanitary District; thence along a new line running along an extension of Lindsay Drive in a southeasterly direction to a point in East First Street Extension; thence continuing in a southeasterly direction to a point in the boundary line of the Dixie Park Subdivision, this corner being the northeastern corner of Lot No. 6 of Block 5 of Dixie Park; thence continuing four lines with the lines of the Dixie Park Subdivision (1) southerly to the southeastern corner of Lot 14, Block 9, (2) westerly to the northeastern corner of Lot 57 in Block 10, (3) southerly to the common corner of Lots 44 and 45, Block 10, and (4) in a northwesterly direction to a corner of Lot 6, Block 10, which is the point on the east side of Little Texas Road; thence crossing Little Texas Road and running in a northwesterly direction to an existing corner of the Kannapolis Sanitary District, this point being a corner of Skyland Baptist Church property; thence continuing along the existing line of the Kannapolis Sanitary District in a clockwise direction encompassing areas lying adjacent to Ontario Drive, East First Street, Fairview Street, McLain Road, South Cannon Boulevard (U.S. Highway 29), Centergrove Road, and Little Texas Road, to a point west of Little Texas Road north of the intersection of Valwood Street; thence continuing along the original Sanitary District line and the line of Section 3, Eastway Village Annexation to a point in the Sanitary District line, a corner of Section 3, Eastway Village; thence continuing along the Sanitary District line in a southwesterly direction to a corner of the Sanitary District; thence in a southeasterly direction 265 feet, more or less, to a point; thence in a

southeasterly direction to a point in the center of Centergrove Road; thence along the center line of Centergrove Road as it runs in an easterly direction to the intersection of the property line of the Concord Board of Light and Water Commissioners west of Lake Concord; thence along the line of the Board of Light and Water Commissioners as it adjoins Forrestbrook Avenue, Pine Cape Court, and Forrestbrook Subdivision, to a point east of the eastern end of Forrestbrook Lane, a corner of the Forrestbrook Subdivision; thence along four lines of the Forrestbrook Subdivision to a corner of the Forrestbrook Subdivision northwest of the cul-de-sac at the end of Woodwind Court; thence continuing in a northwesterly direction to a point approximately 150 feet south of the intersection of Chambers Avenue and Heritage Court; thence in a westerly direction along a line running along the southern end of the lots fronting on Heritage Court and Windermire Drive and continuing in a westerly direction along said line extended to a point in the boundary line of the Kannapolis Sanitary District, said corner being east of N.C. Highway 136 (Lake Concord Road); thence continuing in a westerly and clockwise direction with the lines of the Kannapolis Sanitary District, crossing Highway 136, U.S. Highway 29, Ridge Avenue, and the Southern Railway, to a point in the center of U.S. Highway 29A (South Main Street); thence a new line in a southerly direction with the center line of South Main Street to a point at the intersection of the center lines of Springway Drive and South Main Street; thence in a westerly direction with the center line of Springway Drive to a point in the center line of Shady Lane; thence in a northwesterly direction with the center line of Shady Lane to a point at the end of Shady Lane; thence in a southwesterly direction approximately 250 feet to a point; thence in a northwesterly direction crossing a branch to a point in the center of Azalea Avenue at its intersection with the southern edge of Coventry Road; thence with the southern edge of Coventry Road in a westerly direction to a point, said point being the southeastern corner of the Sheffield Subdivision; thence with the line of the Sheffield Subdivision in a westerly direction, said line being approximately 390 feet south of and parallel to Coventry Road, to a point in the center of Oakwood Avenue; thence in a northerly direction with the center line of Oakwood Avenue to a point, said point being 200 feet, more or less, south of the intersection of Sunset Drive; thence in a westerly direction and parallel with Sunset Drive to a point 150 feet west of Independence Square; thence in a northerly direction a line 150 feet west of and parallel to Independence Square to a point in the center of Rogers Lake Road, said point being approximately 150 feet west of the intersection of Independence Square and Rogers Lake Road; thence in a westerly direction with the center of Rogers Lake Road approximately 900 feet to a point in the center of Rogers Lake Road; thence in a northerly direction to a point north of Derbyshire Road; thence in an easterly direction parallel to Derbyshire Road to a point adjacent to the eastern end of Derbyshire Road; thence in a northerly direction to a point, said point being 150 feet west of the southern end of Quailwood Court; thence continuing in a northerly direction parallel to Quailwood Court to a point 150 feet north of the western end of Evergreen Avenue; thence parallel to Evergreen Avenue in a northeasterly direction to a point in the line of the Kannapolis Sanitary District south of Bethpage Road; thence continuing in a clockwise direction with the line of the Kannapolis Sanitary District crossing Bethpage

Road and to a point in the center of Mooresville Road; thence a new line in a westerly direction with the center of Mooresville Road, to the center of Buffalo Creek; thence in a northerly direction with the center of Buffalo Creek to a corner of the Kannapolis Sanitary District at the intersection of Buffalo Creek and a branch, south of Rainbow Drive; thence with the boundary line of the Kannapolis Sanitary District as it continues in a clockwise direction, crossing Rainbow Drive, Pine Street and Greenwood Street, to a corner of the Sanitary District in the center line of Buffalo Creek, south of West "C" Street; thence leaving the Sanitary District line and running along a new line along the center line of Buffalo Creek in a northerly direction, crossing West "C" Street, to a point in the dam of Kannapolis Lake; thence continuing through the lake in a line running roughly parallel to the channel of Buffalo Creek, crossing Upper Enochville Road at the bridge, and continuing through the lake to a point at the intersection of Buffalo Creek with the center line of Cannon Farm Road at the bridge; thence with the lines of Kannapolis Golf Course running first along Cannon Farm Road and then continuing along the Golf Course lines in a southeasterly direction to a point at the end of Corriher Street where a line running parallel to and 150 feet north of Corriher Street would intersect the boundary line of Kannapolis Golf Course; thence along this line running parallel to and 150 feet north of Corriher Street in an easterly direction to a point 150 feet east of West "A" Street; thence in a southerly direction parallel to and 150 feet east of West "A" Street to a point 150 feet north of Darty Street; thence in an easterly direction parallel with Darty Street to a corner of Kannapolis Sanitary District; thence continuing in a clockwise direction with the lines of the Kannapolis Sanitary District crossing Airport Road to the point of Beginning.

ROYAL OAKS SANITARY DISTRICT AREA

Being that area lying within the boundaries of the Royal Oaks Sanitary District, its annexations and pending annexations, adjacent areas to the east and south of the Sanitary District and described more fully as follows:

BEGINNING at a point where the boundary line of the Royal Oaks Sanitary District intersects the center line of the median between the two lanes of Cannon Boulevard (U.S. Highway 29), this point lying north of Kansas Street, and runs thence along the boundary line of the Royal Oaks Sanitary District in a clockwise and easterly direction to a point where the boundary line of the Sanitary District intersects Lake Concord Road (N.C. Highway 136); thence running with Lake Concord Road south to a point where the existing boundary line of the Sanitary District leaves Lake Concord Road; thence continuing along a new line running along the center line of Lake Concord Road to a point where Lake Concord Road again intersects the boundary line of the Royal Oaks Sanitary District, this point lying northeast of Grove Street; thence along the boundary line of the Royal Oaks Sanitary District as it runs clockwise in a southerly direction to a point in Lake Concord Road; thence in a southerly direction along the center line of Lake Concord Road to a point where the center line of Lake Concord Road intersects the northern right-of-way line of Interstate Highway 85; thence along the right-of-way line of Interstate Highway 85 as it runs first in a westerly direction and then curving in a northerly direction along the Kannapolis exit ramp at the intersection of Cannon Boulevard (U.S. Highway 29-601) to a point where this right-of-way line

intersects the center line of the median between the lanes of Cannon Boulevard; thence in a northerly direction along the center line of the median to a point where this center line intersects the boundary line of the Royal Oaks Sanitary District at Three Mile Branch; thence continuing along the line of the Royal Oaks Sanitary District as it runs clockwise in a northerly direction, crossing Dakota Street, and thence easterly along the Sanitary District line to the point of Beginning at Cannon Boulevard.

ENOCHVILLE-WEST KANNAPOLIS AREA

Being that area lying adjacent to the western boundaries of the Kannapolis Sanitary District and Buffalo Creek and being more fully described as follows:

BEGINNING in the center of Mooresville Road at its intersection with Buffalo Creek; thence running with the center line of Mooresville Road in a westerly direction to a point 150 feet east of Tucker Street; thence in a southerly direction parallel to and 150 feet east of Tucker Street to a point near the end of Tucker Street; thence in a westerly direction to a point in a branch west of Tucker Street; thence with the branch in a northerly direction to the center of Mooresville Road; thence with the center of Mooresville Road in an easterly direction to a point in the intersection of Mooresville Road with Charlie Walker Road; thence with the center line of Charlie Walker Road in a northwesterly direction to a point at the intersection of Tuckaseegee Road; thence with the center line of Enochville Avenue in a northerly direction to a point 150 feet north of the intersection of Eagle Street; thence in an easterly direction parallel with Eagle Street to a point east of Spring Garden Avenue; thence southerly 150 feet north of and parallel to Spring Garden Avenue to a point at the head of a branch between Eagle Street and Woodsdale Drive; thence with the branch in an easterly direction to Kannapolis Lake; thence with the center of Kannapolis Lake to a point on the Kannapolis Lake dam; thence in a southerly direction with the center of Buffalo Creek or with the line of the Kannapolis Sanitary District to the Beginning.

(c) The form of the ballot for the vote in the central area shall be substantially as follows:

@ FOR incorporation of the City of Kannapolis. @ AGAINST incorporation of the City of Kannapolis. The form of the ballot for the Royal Oaks Sanitary District area shall be substantially as follows:

@ FOR the inclusion of the Royal Oaks Sanitary District area within an incorporated City of Kannapolis.

@ AGAINST the inclusion of the Royal Oaks Sanitary District Area within an incorporated City of Kannapolis.

The form of the ballot for the Enochville Community area shall be substantially as follows:

@ FOR the inclusion of the Enochville Community area within an incorporated City of Kannapolis.

@ AGAINST the inclusion of the Enochville Community area within an incorporated City of Kannapolis.

Sec. 12. No Annexation Into the Area of Proposed Incorporation. No city, before January 1, 1985, may annex or adopt a resolution of intent with respect to the annexation of any portion of the area described in Section 11 of this act unless such

annexation or resolution of intent is conditioned on the failure of the City of Kannapolis to be incorporated pursuant to this act or on the noninclusion of the territory proposed for incorporation by the City of Kannapolis.

Sec. 13. Act Ceases To Be Effective. If the voters in the central area vote against the incorporation of the City of Kannapolis pursuant to the provisions of Section 11 of this act, this act shall cease to be in effect on the date of the certification of the results of the referendum by the Cabarrus and Rowan County boards of elections and the City of Kannapolis is not incorporated.

Sec. 14. City of Kannapolis Established. If the voters in the central area vote for the incorporation of the City of Kannapolis, the new City of Kannapolis is established at noon on December 11, 1984, under the charter prepared by The Kannapolis Charter Commission.

If the voters of the Royal Oaks Sanitary District area vote for inclusion of that area within an incorporated Kannapolis pursuant to the provisions of Section 11 of this act, the Royal Oaks Sanitary district area is included within and is a part of the City of Kannapolis upon its establishment.

If the voters of the Enochville Community area vote for inclusion of that area within an incorporated Kannapolis pursuant to the provisions of Section 11 of this act, the Enochville Community area is included within and is a part of the City of Kannapolis upon its establishment.

Sec. 15. Initial Governing Body. If the City of Kannapolis is incorporated as provided in this act, the Kannapolis Charter Commission shall act as an interim government, with the chairman acting as temporary mayor. The interim government shall serve until their successors are elected and qualified as provided in the City's charter and the general law at a municipal election to be held not later than June 30, 1985. Vacancies in the initial governing body shall be filled as provided by general law for cities in North Carolina.

Sec. 16. Ordinances and Resolutions to Continue. All ordinances, resolutions, policies and rules of county and sanitary district governments applying within the area of the newly incorporated City of Kannapolis shall continue in full force and effect until modified by the governments establishing them or by the City of Kannapolis as provided by general law.

Sec. 17. Initial Budget. The initial governing body, as soon as feasible after the establishment of the City of Kannapolis, shall adopt a budget for the 1984-85 fiscal year. In adopting the budget the initial governing body need not follow all the procedures and the schedule required by general law, but it shall hold at least one public hearing on its proposed budget before it is adopted. The budget may include the levy of property taxes for the remainder of the 1984-85 fiscal year. If such taxes are levied, they become due and payable as would property taxes levied for the 1985-86 fiscal year.

Sec. 18. Severability. If any provision of this act is held invalid, such invalidity shall not affect other provisions of the act which can be given effect without the invalid provision, and to this end the provisions of this act are declared to be severable.

Sec. 19. Repealer. All laws and clauses of laws public and local in conflict with this act are hereby repealed.

Sec. 20. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of April, 1983.