



## **KANNAPOLIS CITY COUNCIL**

**MEETING AGENDA**  
**Kannapolis City Hall**  
**401 Laureate Way, Kannapolis NC**  
**August 12, 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**

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

1. July 08, 2019 Meeting Minutes

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

1. Cabarrus/Iredell/Rowan HOME Consortium Grant Program Budget Ordinance FY2019-20 (Sherry Gordon, Community Development Program Administrator)
2. Community Development Block Grant (CDBG) Grant Program Budget Ordinance FY 2019-20 (Sherry Gordon, Community Development Program Administrator)
3. Urgent Repair Program (URP19) Program Budget Ordinance (Sherry Gordon, Community Development Program Administrator)
4. The City of Kannapolis and the North Carolina Department of Transportation Third Supplemental Agreement – Irish Buffalo Creek Greenway Transportation Improvement Project C-5161 (Wilmer Melton, III - Director of Public Works)

### **BUSINESS AGENDA**

- A. Downtown Visual Enhancements (Annette Privette Keller, Communications Director and Buzz Bizzell, Bizzell Design).

### **CITY MANAGER REPORT**

### **CITY COUNCIL COMMENTS**

### **CLOSED SESSION**

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

Motion to Adjourn Meeting

## **UPCOMING SCHEDULE**

August 26, 2019

September 09, 2019

September 23, 2019

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

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), anyone who requires auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service or activity of the City of Kannapolis, should contact the office of Tina H. Cline, Human Resource Director by phone at 704-920-4302 or email at [tcline@kannapolisnc.gov](mailto:tcline@kannapolisnc.gov) as soon as possible, but no later than forty-eight (48) hours before the scheduled event.

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

A regular meeting of the City Council of the City of Kannapolis, North Carolina was held on Monday, July 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  
Dianne 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: David Hancock      Zac Gordon  
Gary Mills      Tony Eury  
Tina Cline      Irene Sacks  
Rick Barnhardt      Jason May  
Terry Clanton      Donie Parker

Visitors Present: Mollie Ruf      Mike Miller  
Greg Edds      Nate Kaust  
Jeff Ashbaugh      Buddy Amerson  
Darrell Jackson      Lester Sisk  
Ron Haithcock      Marcus Deel  
Sathina Guard      Nathan Payne  
Richard Chaney

**CALL TO ORDER AND WELCOME:**

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

1 **ADOPTION OF AGENDA:**

2 Mayor Hinnant noted that Consent Agenda Item 3- Personnel Policy 400.01 - Position  
3 Classification Plan and Consent Agenda Item 4- Personnel Policy 400.02 - Compensation Plan be  
4 moved to the Business Agenda Item F and G.

5  
6 Council Member Wilson made a motion to approve the revised agenda. Motion was seconded by  
7 Council Member Dayvault and approved by unanimous vote.  
8

9 **PROCLAMATIONS:**

10 Mayor Hinnant proclaimed July as National Parks and Recreation Month  
11

12 **RECOGNITIONS:**

13 Mayor Hinnant recognized Buddy Amerson as serving on the Kannapolis Parks and Recreation  
14 Commission from December 10, 2007 to June 30, 2019. Mr. Amerson was presented a plaque of  
15 appreciation and letter from the Mayor.  
16

17 **APPROVAL/CORRECTION OF MINUTES:**

18 Council Member Dayvault made a motion to approve the Closed Session Minutes May 07, 2019.  
19 Motion was seconded by Mayor Pro tem Haas and approved by unanimous vote.  
20

21 Council Member Kincaid made a motion to approve the Closed Session Minutes June 10, 2019.  
22 Motion was seconded by Council Member Berry and approved by unanimous vote.  
23

24 **CONSENT AGENDA:**

25 Council Member Dayvault made a motion to approve the revised Consent Agenda. Motion was  
26 seconded by Council Member Wilson and approved by unanimous vote.  
27

28 First Amendment to the Agreement for Joint Use of Facilities between the Kannapolis City Board  
29 of Education and City of Kannapolis (Gary Mills, Director of Parks and Recreation) (Copy  
30 included as Exhibit A)  
31

32 Kannapolis Parks and Recreation Risk Management Policy and Risk Management Plan and  
33 Procedures (Gary Mills, Director of Parks and Recreation) (Copy included as Exhibit B)  
34

35 Irish Buffalo Creek Greenway Project NCDOT TIP #C-5161 (Wilmer Melton, III, Director  
36 of Public Works) (Copy included as Exhibit C)  
37

38 Interlocal Agreement for Mass Communication Services (Annette Privette-Keller, Director of  
39 Communications) (Copy included as Exhibit D)  
40

41 **BUSINESS AGENDA:**

42 **Presentation 'Your Rowan-Be Original' Rowan County Board of Commissioner Chairman**  
43 **Greg Edds (Copy included as Exhibit E)**

44 Introduced were Chairman Greg Edds of the Rowan County Board of Commissioners; Mike Miller  
45 and Mollie Ruf of the Miller Davis Agency, a marketing and advertising agency. Your-Rowan-Be

1 Original is a central place for sharing positive information about Rowan County, connecting and  
2 promoting goodwill about the places and people of Rowan County. Your Rowan was branded as  
3 a way for residents and visitors alike to connect with the overall messaging of Rowan County,  
4 share their stories and be informed about the unique assets that make Rowan County a great place  
5 to live, learn, work and play. A short five minute video was shown telling the story from a citizens  
6 viewpoint.

7  
8 Mayor Hinnant asked how the City of Kannapolis could become involved. Council was told to  
9 embrace this brand and follow them on Facebook, Twitter, Instagram and their website:  
10 [www.yourrowan.com](http://www.yourrowan.com)

11  
12 Mayor Hinnant thanked Chairman Edds, Mike Miller and Mollie Ruf for the presentation.  
13 No action was required by Council.

14  
15 **Presentation and approval of Eastside Park Master Plan (Gary Mills, Director of Parks and**  
16 **Recreation) (Copy included as Exhibit F)**

17 Mr. Mills and Jeff Ashbaugh presented a power point on the Eastside Park Master Plan. Staff has  
18 been working the last 8 months on the Master Plan for the Eastside Park. Council approved funding  
19 for the Master Plan in the FY19 budget. The Eastside Park is to be developed on the 33-acre tract  
20 on Midlake Avenue that the City acquired a couple years ago. As demand from residents on the  
21 eastside for a park continued, the City decided to move forward with the development of the plan  
22 for this future park site.

23  
24 The City held two public meetings and also requested feedback via an online survey. In addition  
25 to the recent public feedback, Staff also utilized the approved Citywide P&R Master Plan  
26 recommendations to develop the following plan for the property. Over 60 people attended the two  
27 sessions. Top priorities were paddleboats, walking trails; sidewalks to the park, picnic  
28 shelters/restrooms, a playground with a hill slide and water spray ground. There would be a dog  
29 park with separation of small and larger dogs with plenty of shade and access for natural water for  
30 the dogs.

31  
32 It is the intent of the City to apply for a Parks and Recreation Trust Fund grant (PARTF) at some  
33 point in the near future to provide additional funding assistance for development of the project. In  
34 order to have the project/application score well, the City must have a site-specific master plan  
35 developed and approved by City Council. The P&R Commission reviewed the site plans and  
36 master plans at their two previous meetings and unanimously approved the site plan and Master  
37 Plan for the Eastside Park.

38  
39 Questions asked by Council if other size boats or kayaks would be allowed.

40 The general public would not be allowed to bring boats and bait fishing is not allowed based on  
41 state regulations. There could potentially be kayaks. City Staff would regulate the rental of  
42 paddleboats.

43  
44 What kind of barrier would be in place as a safety protection?

45 There will be a 50-75 foot vegetation buffer. However, a fence could be added along the buffer.

1 Following general discussion, Council Member Dayvault made a motion to approve the Eastside  
2 Park Master Plan. Motion was seconded by Council Member Wilson and approved by unanimous  
3 vote.  
4

5 **Presentation and approval of Westside Park Masterplan (Gary Mills, Director of Parks and**  
6 **Recreation) (Copy included as Exhibit G)**

7 Mr. Mills and Jeff Ashbaugh presented a power point on the Eastside Park Master. Staff has been  
8 working the last 8 months on the Master Plan for the Westside Park. City Council approved  
9 funding for the Master Plan in the FY19 budget and staff is now bringing it to City Council for  
10 approval. The Westside Park is to be developed on approximately 45 acres just north of Hwy 73.  
11 The City has acquired multiple parcels in this area for development of the Westside Park as well  
12 as for the Rocky River Greenway (part of the Carolina Thread Trail). There is one more tract to  
13 acquire from Christ the King High School to make the plan complete. Staff has already obtained  
14 the appraisal for the property and will be working to complete the acquisition phase. As demand  
15 from residents for a Westside park and athletic fields continue, the City decided to move forward  
16 with the development of the Master Plan for this future park site. The City held two public meetings  
17 and requested feedback via an online survey. In addition to the recent public feedback, Staff also  
18 utilized the approved Citywide P&R Master Plan recommendations to develop the following plan  
19 for the property.  
20

21 It is the intent of the City to apply for a Parks and Recreation Trust Fund grant (PARTF) at some  
22 point in the future to provide additional funding assistance for development of the project. In order  
23 to have the project/application score well, the City must have a site specific Master Plan developed  
24 and approved by City Council. The P&R Commission reviewed the site plan and Master Plan at  
25 their two previous meetings and unanimously approved the site plan and Master Plan for the  
26 Westside Park.  
27

28 Following general discussion, Council Member Wilson made a motion to approve the Westside  
29 Park Master Plan. Motion was seconded by Council Member Berry and approved by unanimous  
30 vote.  
31

32 **Appointment to the Board of Adjustment (Zachary D. Gordon, AICP, Planning Director)**

33 Council Member Wilson made a motion to reappoint Joann Crosby for a three-year term ending  
34 June 20, 2022 to the Board of Adjustment. Motion was seconded by Council Member Berry and  
35 approved by unanimous vote.  
36

37 **Appointments to Planning and Zoning Commission (Zachary D. Gordon, AICP, Planning**  
38 **Director)**

39 Council Member Dayvault made a motion to reappoint Scott Trott and David Steele for a three-  
40 year term ending June 20, 2022 to the Planning and Zoning Commission. Motion was seconded  
41 by Mayor Pro tem Haas and approved by unanimous vote.  
42

43 **Personnel Policy 400.01 - Position Classification Plan (Tina Cline, Human Resource**  
44 **Director) (Copy included as Exhibit F)**

45 Council Member Dayvault asked for clarification from Mrs. Tina Cline, Human Resource  
46 Director. Following general discussion, Mayor Pro tem Haas made a motion to approve Personnel

1 Policy 400.01 - Position Classification Plan. Motion was seconded by Council Member Rowell  
2 and approved by unanimous vote.

3  
4 **Personnel Policy 400.02 - Compensation Plan (Tina Cline, Human Resource Director) (Copy**  
5 **included as Exhibit G)**

6 Council Member Dayvault asked for clarification from Mrs. Tina Cline, Human Resource  
7 Director. Following general discussion, Council Member Dayvault made a motion to approve  
8 Personnel Policy 400.02 - Compensation Plan. Motion was seconded by Council Member Wilson  
9 and approved by unanimous vote.

10  
11 **CITY MANAGER REPORT:** Mr. Legg gave an update on the progress of the downtown  
12 revitalization.

13  
14 **CITY COUNCIL COMMENTS:** None

15  
16 **CLOSED SESSION:**

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

21  
22 Council went into closed session at 7:30 PM.

23  
24 Council Member Wilson made a motion to come of out closed session. Motion was seconded by  
25 Council Member Dayvault and approved by unanimous vote.

26  
27 Council resumed regular session at 8:30 PM.

28  
29 There being no further business, Mayor Pro tem Haas made a motion to adjourn. Motion was  
30 seconded by Council Member Kincaid and approved by unanimous vote.

31  
32 The meeting adjourned at 8:30 PM on Monday, July 8, 2019.

33  
34  
35  
36 \_\_\_\_\_  
Milton D. Hinnant, Mayor

37  
38 \_\_\_\_\_  
39 Bridgette Bell, MMC, NCCMC  
40 City Clerk



**City of Kannapolis  
City Council Meeting  
August 12, 2019  
Staff Report**

**TO:** Mayor and City Council  
**FROM:** Sherry Gordon, Community Development  
Program Administrator  
**TITLE** Cabarrus/Iredell/Rowan HOME Consortium  
Grant Program Budget Ordinance

**A. Action Requested by City Council**

Motion to adopt the Cabarrus/Iredell/Rowan HOME Consortium Grant Program Budget Ordinance for FY 2019-20

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

Majority present at meeting

**C. Background**

City Council approved the Action Plan for the use of FY 2019-20 HOME Program funds in June. The City will provide funds to rehab a dwelling for a homeowner currently on waiting list and will provide acquisition/rehab assistance in partnership with local nonprofit agency applying for a grant to purchase vacant properties.

**D. Fiscal Considerations**

In order to begin the expenditures of the FY 2019-20 grant, the City must adopt a Program Budget Ordinance as required by North Carolina law. This Budget Ordinance will govern the accounting system for the project.

**E. Policy Issues**

None

**F. Legal Issues**

None



<b>G. Alternative Courses of Action and Recommendation</b>
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1. **Motion to approve the Cabarrus/Iredell/Rowan HOME Consortium Grant Program Budget Ordinance for FY 2019-20 (Recommended)**
2. Do not approve Budget Ordinance.
3. Table action to a future meeting.

ATTACHMENTS:

File Name

📎 19-20\_HOME\_budget\_ordinance.pdf

**CITY OF KANNAPOLIS, NORTH CAROLINA  
CABARRUS/IREDELL/ROWAN HOME CONSORTIUM GRANT PROGRAM  
PROJECT BUDGET ORDINANCE  
FY 2019-2020**

**BE IT ORDAINED** by the City Council of the City of Kannapolis, North Carolina that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following Grant Project Budget Ordinance is hereby adopted:

**Section 1.** The project authorized is the Cabarrus/Iredell/Rowan HOME Consortium Program and the U.S. Department of Housing and Urban Development (HUD). This project is more familiarly known as the 2019-2020 Consortium HOME Program.

**Section 2.** The City Manager is hereby directed to proceed with the Project in compliance with the North Carolina General Statutes, the terms of the Grant document(s), the rules and regulations of HUD, and the budget contained herein.

**Section 3.** The following revenues are anticipated to be available to complete this project:

HOME Program Grant:	\$146,122.00
HOME Program Income:	13,385.00
HOME Administration:	<u>8,767.00</u>
Total Revenue:	\$168,274.00

**Section 4.** The following amount is appropriated for the project:

Homeowner Rehab	\$ 59,507.00
Acquisition & Rehab	100,000.00
Administration	<u>8,767.00</u>
Total Expenditures:	\$168,274.00

**Section 5.** The Finance Officer is hereby directed to maintain within the Grant Project sufficient specific detailed accounting records to provide for accounting to the City Council and grantor agency required by the Grant Agreement(s) and federal and state regulations.

**Section 6.** The Finance Officer is directed to report quarterly on the financial status of each project element in Section 4 and on total grant revenues received or claimed.

**Section 7.** The Finance Officer is directed to include a detailed analysis of past and future costs and revenues on this project in every budget submission presented to City Council.

**Section 8.** The City Manager is hereby authorized to transfer funds from one line item to another line item without further approval by the City Council.

**Section 9.** Copies of this Grant Project Budget Ordinance shall be made available to the Finance Officer for direction in carrying out this project.

This Ordinance is approved and adopted this \_\_\_\_\_ day of August 2019.

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Milton D. Hinnant, Mayor

ATTEST:

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Bridgette Bell, MMC, NCCMC  
City Clerk



**City of Kannapolis  
City Council Meeting  
August 12, 2019  
Staff Report**

**TO:** Mayor and City Council  
**FROM:** Sherry Gordon, Community Development  
Program Administrator  
**TITLE** CDBG Grant Program Budget Ordinance FY  
2019-20

**A. Action Requested by City Council**

Motion to adopt the Community Development Block Grant (CDBG) Grant Program Budget Ordinance

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

Majority present at meeting

**C. Background**

City Council approved the Action Plan for the use of FY 2019-20 CDBG Program funds in June. The City will provide the following: Infrastructure Improvements; Demolitions; Urgent Repairs; Section 108 Loan Repayment; Non-profit grants; and General Administration/Fair Housing projects.

**D. Fiscal Considerations**

In order to begin the expenditures of the FY 2019-20 grant, the City must adopt a Project Budget Ordinance as required by North Carolina law. This Budget Ordinance will govern the accounting system for the program.

**E. Policy Issues**

None

**F. Legal Issues**

None

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

1. **Motion to approve the Community Development Block Grant (CDBG) Grant Program Budget Ordinance for FY 2019-20 (Recommended)**
2. Do not approve Ordinance
3. Table action to a future meeting

ATTACHMENTS:

File Name

19-20\_CDBG\_budget\_ordinance\_-\_finance.pdf

**CITY OF KANNAPOLIS, NORTH CAROLINA  
COMMUNITY DEVELOPMENT BLOCK GRANT ENTITLEMENT PROGRAM  
PROJECT BUDGET ORDINANCE  
FY 2019-2020**

**BE IT ORDAINED** by the City Council of the City of Kannapolis, North Carolina that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following Grant Project Budget Ordinance is hereby adopted:

**Section 1.** The project authorized is the Community Development Block Grant Entitlement Program described in the work statement contained in the Grant Agreement #B-19-MC-37-0017 between the City and the U.S. Department of Housing and Urban Development (HUD). This project is more familiarly known as the 2019-20 Community Development Block Grant Program.

**Section 2.** The City Manager is hereby directed to proceed with the Project in compliance with the North Carolina General Statutes, the terms of the Grant document(s), the rules and regulations of HUD, and the budget contained herein.

**Section 3.** The following revenues are anticipated to be available to complete this project:

Community Development Block Grant:       \$375,358

**Section 4.** The following amount is appropriated for the project:

Infrastructure Improvements	\$ 85,000.00
Demolition	\$ 30,000.00
Urgent Repair	\$ 78,983.00
Section 108 Loan Repayment:	\$ 51,304.00
Public Services:	\$ 55,000.00
Program Administration/Fair Housing:	<u>\$ 75,071.00</u>
Total Expenditures:	\$375,358.00

**Section 5.** The Finance Officer is hereby directed to maintain within the Grant Project sufficient specific detailed accounting records to provide for accounting to the City Council and grant or agency required by the Grant Agreement(s) and federal and state regulations.

**Section 6.** The Finance Officer is directed to report quarterly on the financial status of each project element in Section 4 and on total grant revenues received or claimed.

**Section 7.** The Finance Officer is directed to include a detailed analysis of past and future costs and revenues on this project in every budget submission presented to City Council.

**Section 8.** The City Manager is hereby authorized to transfer funds from one line item to another line item without further approval by the City Council.

**Section 9.** Copies of this Grant Project Budget Ordinance shall be made available to the Finance Officer for direction in carrying out this project.

This Ordinance is approved and adopted this \_\_\_\_\_ day of August, 2019.

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Milton D. Hinnant, Mayor

ATTEST:

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Bridgette Bell, MMC, NCCMC  
City Clerk



**City of Kannapolis  
City Council Meeting  
August 12, 2019  
Staff Report**

**TO:** Mayor and City Council  
**FROM:** Sherry Gordon, Community Development  
Program Administrator  
**TITLE** Urgent Repair Grant (URP19) Program Budget  
Ordinance

**A. Action Requested by City Council**

Motion to adopt the Urgent Repair Program (URP19) Budget Ordinance

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

Majority present at meeting

**C. Background**

The City has been awarded a \$100,000 grant for Urgent Repairs from the North Carolina Housing Finance Agency for FY2019-20. These funds will be used to make urgent repairs for qualified very low income homeowners within the city limits of Kannapolis.

**D. Fiscal Considerations**

In order to begin the expenditures of the Urgent Repair Program (URP19) grant funds for FY2019-20, the City must adopt a Program Budget Ordinance as required by the North Carolina law. This Budget Ordinance will govern the accounting system for the program.

**E. Policy Issues**

None

**F. Legal Issues**

None



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

1. **Motion to approve the Urgent Repair Program (URP19) Grant Program Budget Ordinance for FY 2019-20. (Recommended)**
2. Do not approve Ordinance.
3. Table action to a future meeting.

ATTACHMENTS:

File Name

📎 URP19\_budget\_ordinance\_-\_finance.pdf

**CITY OF KANNAPOLIS, NORTH CAROLINA  
2019 URGENT REPAIR PROGRAM (URP19)  
NORTH CAROLINA HOUSING FINANCE AGENCY  
PROJECT BUDGET ORDINANCE  
FY 2019-2020**

**BE IT ORDAINED** by the City Council of the City of Kannapolis, North Carolina that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following Grant Project Budget Ordinance is hereby adopted:

**Section 1.** The project authorized is the 2019 Urgent Repair Program (URP19) described in the work statement contained in the Grant Agreement between the City and the North Carolina Housing Finance Agency (NCHFA). This project is more familiarly known as the URP19 funds.

**Section 2.** The City Manager is hereby directed to proceed with the Project in compliance with the North Carolina General Statutes, the terms of the Grant document(s), the rules and regulations of HUD, and the budget contained herein.

**Section 3.** The following revenues are anticipated to be available to complete this project:

URP19:           \$100,000

**Section 4.** The following amount is appropriated for the project:

Urgent Repair Program	\$ 100,000.00
Total Expenditures:	\$ 100,000.00

**Section 5.** The Finance Officer is hereby directed to maintain within the Grant Project sufficient specific detailed accounting records to provide for accounting to the City Council and grant or agency required by the Grant Agreement(s) and federal and state regulations.

**Section 6.** The Finance Officer is directed to report quarterly on the financial status of each project element in Section 4 and on total grant revenues received or claimed.

**Section 7.** The Finance Officer is directed to include a detailed analysis of past and future costs and revenues on this project in every budget submission presented to City Council.

**Section 8.** The City Manager is hereby authorized to transfer funds from one line item to another line item without further approval by the City Council.

**Section 9.** Copies of this Grant Project Budget Ordinance shall be made available to the Finance Officer for direction in carrying out this project.

This Ordinance is approved and adopted this \_\_\_\_\_ day of August, 2019.

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Milton D. Hinnant, Mayor

ATTEST:

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Bridgette Bell, MMC, NCCMC  
City Clerk



**City of Kannapolis  
City Council Meeting  
August 12, 2019  
Staff Report**

**TO:** Mayor and City Council  
**FROM:** Wilmer Melton, III - Director of Public Works  
**TITLE** The City of Kannapolis and the North Carolina  
Department of Transportation

**A. Action Requested by City Council**

Motion to approve the Third Supplemental Agreement between the City of Kannapolis and the North Carolina Department of Transportation for Transportation Improvement Project C-5161 and authorize the City Manager to execute the Agreement.

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

Majority present at meeting

**C. Background**

At the request of the City of Kannapolis, The North Carolina Department of Transportation (NCDOT) has prepared a Third Supplemental Agreement for TIP Project C-5161 for the construction of a greenway along Irish Buffalo Creek from Orphanage Road to Rogers Lake Road including a connector to Oakwood Avenue. This section of the Irish Buffalo Creek Greenway will connect Vietnam Veterans Park to several neighborhoods bordering Irish Buffalo Creek and will include a section of greenway to be constructed by the developers of the Kellswater Bridge Community. The Irish Buffalo Creek Greenway is part of the Carolina Thread Trail regional trail network that will ultimately reach 15 counties and more than 2.3 million people.

The Third Supplemental Agreement is for additional funding which increases the federal participation for the Project up to \$3,116,000 and the local match to \$779,000. City Council entered into the original agreement with the NCDOT in January 2015; executed the First Supplemental Agreement in March 2016; executed the Second Supplemental Agreement in June 2019. By execution of this Third Supplemental Agreement, the City agrees to the requirements set forth by NCDOT as stated in the Agreement. The City will be responsible for completing the Project within five (5) years of authorization of Federal funds for the Project.

**D. Fiscal Considerations**

The City was awarded federal CMAQ funding for this Project in the amount of \$3,116,000 to perform engineering, environmental, and construction of 2.7 miles of greenway from Orphanage

Road to Rogers Lake Road. The estimated cost to complete construction and CEI is \$4,589,177.69. The balance of our federal funding is \$2,888,806.11.

Therefore, the City's portion to complete the Project is \$1,149,140.97. Kellswater Subdivision donated the land and will be providing the City \$551,230.61 which includes 5% contingency towards the Project cost as a part of their development agreement for Phase III of the Subdivision. Funding for this Project will be paid through debt proceeds.

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

City Council approval is required prior to the City entering into this Supplemental Municipal Agreement with the North Carolina Department of Transportation for Transportation Improvement Project C-5161.

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

None

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

1. **Approve the Third Supplemental Agreement between the City of Kannapolis and the North Carolina Department of Transportation for Transportation Improvement Project C-5161 and authorize the City Manager to execute the Agreement. (Recommended)**
2. Take no action
3. Table to future meeting.

#### **ATTACHMENTS:**

##### **File Name**

- ❏ Kannapolis\_3rd\_SA\_C-5161\_8867-Revised.pdf
- ❏ Irish\_Buffalo\_Creek\_Greenway\_Map\_C-5161.pdf

NORTH CAROLINA  
CABARRUS COUNTY

**3<sup>rd</sup> SUPPLEMENTAL AGREEMENT**

DATE: 08/01/2019

NORTH CAROLINA DEPARTMENT OF  
TRANSPORTATION

TIP #: C-5161

AND

WBS ELEMENTS: PE 46226.1.F1

ROW \_\_\_\_\_

CITY OF KANNAPOLIS

CON 46226.3.3

FEDERAL-AID #: CMS-1034(20)

CFDA #: 20.205

TOTAL SUPPLEMENTAL FUNDS [NCDOT PARTICIPATION] \$540,000

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department", and the City of Kannapolis, hereinafter referred to as the "Municipality."

**WITNESSETH:**

WHEREAS, the Department and the Municipality on 2/19/2015, entered into a certain Project Agreement for the original scope: design and construction of a 1.7-mile segment of the Irish Buffalo Creek Greenway and the Oakwood Connector, programmed under Project C-5161; and,

WHEREAS, on 4/18/16, the Department, with the concurrence of the Cabarrus-Rowan Metropolitan Planning Organization, allocated additional Congestion Mitigation and Air Quality (CMAQ) funds to this Project and,

WHEREAS, 7/19/19, the Cabarrus-Rowan Metropolitan Planning Organization and the Municipality have requested to move Congestion Mitigation and Air Quality (CMAQ) funds from Project C-5603F to this Project; and,

WHEREAS, the Cabarrus-Rowan Metropolitan Planning Organization and the Municipality have requested to move Congestion Mitigation and Air Quality (CMAQ) funds from Project C-5159 to this Project.

NOW THEREFORE, the parties wish to supplement the aforementioned Agreement whereby the following provisions are amended:

## **FUNDING**

The Department's original participation was \$2,576,000. The Department agrees to reimburse the Municipality eighty percent (80%) of eligible costs up to an additional \$540,000 of Congestion Mitigation and Air Quality (CMAQ) funds. The Municipality will provide \$135,000 as their local match and all costs that exceed the total estimated funding, per the Revised Funding Table Below.

**REVISED FUNDING TABLE**

<b>Fund Source</b>	<b>Federal Funds Amount</b>	<b>Reimbursement Rate</b>	<b>Non-Federal Match \$</b>	<b>Non-Federal Match Rate</b>
Congestion Mitigation and Air Quality (orig. agreement)	\$1,672,000	80 %	\$418,000	20 %
CMAQ (1 <sup>st</sup> supp. Agreement)	\$464,000	80 %	\$116,000	20 %
CMAQ (2 <sup>nd</sup> supp. Agreement)	\$440,000	80%	\$110,000	20%
CMAQ (3 <sup>rd</sup> supp. Agreement)	\$540,000	80%	\$135,000	20%
Subtotal	\$3,116,000		\$779,000	
<b>Total Estimated Funding</b>		<b>\$3,895,000</b>		

Except as hereinabove provided, the Agreement heretofore executed by the Department and the Municipality on 2/19/2015, is ratified and affirmed as therein provided.

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

L.S. ATTEST:

CITY OF KANNAPOLIS

BY: \_\_\_\_\_

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

NCGS 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

Approved by \_\_\_\_\_ (Governing Board) of the City of Kannapolis as  
attested to by the signature of \_\_\_\_\_, Clerk of the  
\_\_\_\_\_ (Governing Board) on \_\_\_\_\_ (Date)

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

(SEAL)

\_\_\_\_\_  
(FINANCE OFFICER)

Federal Tax Identification Number

\_\_\_\_\_  
Remittance Address:

City of Kannapolis

\_\_\_\_\_  
DEPARTMENT OF TRANSPORTATION

BY: \_\_\_\_\_

(CHIEF ENGINEER)

DATE: \_\_\_\_\_

APPROVED BY BOARD OF TRANSPORTATION ITEM O: \_\_\_\_\_ (Date)





# Irish Buffalo Greenway

Kannapolis\Projects\11501 General Consulting\Irish buffalo.mxd



**DISCLAIMER:** This map is prepared from recorded deeds, plats, tax maps, surveys, planimetric maps, and other public records and data from various federal, state, and local agencies. Maps and associated information must be accepted and used by the recipient with the understanding that the primary information sources should be consulted for verification of the information contained on these maps. As such, the City of Kannapolis provides no warranties, expressed or implied, concerning the accuracy, completeness or reliability, or suitability of this data. Furthermore, the City of Kannapolis assumes no liability whatsoever associated with the use or misuse of such data.





**City of Kannapolis  
City Council Meeting  
August 12, 2019  
Staff Report**

**TO:** Mayor and City Council  
**FROM:** Mike Legg, City Manager  
**TITLE** Downtown Visual Enhancements

**A. Action Requested by City Council**

None. Information only.

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

Presentation Only, no action required

**C. Background**

The decorative regulatory and wayfinding sign package for downtown was presented to City Council a few months ago. Those signs are under fabrication now with installation before the completion of the Streetscape/Linear Park. One final piece of this project to complete is a series of visual enhancements to certain buildings, downtown storefronts and blank walls downtown. Staff will present these enhancements at the meeting. Also included with this presentation is a short-term plan for public art downtown as well the plan for information boards to be located in several places downtown.

The intent is to have these enhancements in place prior to the Streetscape/Linear Park opening. Staff is not asking for a specific vote from City Council for this package but any feedback and suggestions are obviously welcomed and encouraged.

**D. Fiscal Considerations**

Funding for these improvements is included in the streetscape capital budget and the annual operating budget.

**E. Policy Issues**

None.

**F. Legal Issues**

None.

<b>G. Alternative Courses of Action and Recommendation</b>
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No action necessary. Presentation and discussion only.

ATTACHMENTS:

File Name

No Attachments Available



**City of Kannapolis  
City Council Meeting  
August 12, 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 (Mayor Pro tem Haas)

Motion to Adjourn Meeting

**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