



KANNAPOLIS CITY COUNCIL
Rescheduled from December 10, 2018
MEETING AGENDA
Kannapolis City Hall
401 Laureate Way, Kannapolis NC
December 17, 2018
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

CONSENT AGENDA - Motion to Adopt Consent Agenda or make revisions

1. Personnel Policy 500.08 Continuation of Insurance Coverage at Retirement (Tina Cline, Human Resource Director)
2. Award the Irish Buffalo Creek Greenway Project CEI (TIP# C-5161) Contract (Wilmer Melton, III, Director of Public Works)
3. Resolution Supporting NCDOT Abandonment of the Maintenance Rights to Right-of-way of the Old Alignment and the Addition of the New Alignment on Jim Johnson Road (Wilmer Melton, III, Director of Public Works)
4. Resolution Adopting a 2019 Meeting Schedule for City Council Meetings (Mike Legg, City Manager)

BUSINESS AGENDA

- A. Election of Mayor Pro tem (Mayor Hinnant)
- B. Modifications to Environmental Services and Contract (Wilmer Melton III, Director of Public Works)
- C. Resolution Requesting Legislative Annexation of the High Bridge Property (Mike Legg, City Manager)
- D. Appointments to the Transportation Advisory Committee (TAC) and the Technical Coordinating Committee (TCC) to Serve as the City's Representatives of the Cabarrus-Rowan Urban Area Metropolitan Planning Organization (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 (Mayor Pro tem Berry)

MOTION TO ADJOURN MEETING

UPCOMING SCHEDULE

No other December meetings scheduled after December 10

January 14

January 28

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.



**City of Kannapolis
City Council Meeting
December 17, 2018
Staff Report**

TO: Mayor and City Council
FROM: Tina Cline, Human Resource Director
TITLE: Personnel Policy 500.08 Continuation of Insurance Coverage at Retirement

A. Action Requested by City Council

Approved amendment to Personnel Policy 500.08 Continuation of Insurance Coverage at Retirement

B. Required Votes to Pass Required Action

Majority present at meeting

C. Background

The existing personnel policy allows employees who meet the minimum requirements for reduced and unreduced retirement as established by North Carolina Local Governmental Employees Retirement System (LGERS) to remain on the City's group medical and dental plans.

At the time the policy was initially implemented in 1991 and last amended in 2005, the eligibility requirements stated in the policy mirrored the eligibility requirements established by LGERS. Since that time the LGERS has amended the minimum requirements for firefighters to qualify for early retirement to include age 55 with five years of creditable service.

The requested amendment to the policy incorporates the age 55 with five years of creditable service for firefighters as a minimum requirement for early retirement (reduced benefits).

D. Fiscal Considerations

Firefighters who choose to retire early will be eligible to receive the premium supplement paid by the City of Kannapolis up to 50% of the monthly premium if they elect to remain on the City's active plans.

E. Policy Issues

The original intent of the policy was to mirror the requirements of the LGERS. This amendment is consistent with the intent of the policy; however, it does have the potential to incur future benefit costs.

F. Legal Issues

This amendment requires Council approval.

G. Alternative Courses of Action and Recommendation

1. **Motion to amend the Personnel Policy 500.08 Continuation of Insurance Coverage at Retirement (Recommended)**
2. Reject the policy amendment
3. Table action to a future meeting

ATTACHMENTS:

File Name

▢ 500.08_Retirement_Continuation_of_Insurance_Coverage_-_January_1_2019.doc



CITY OF KANNAPOLIS

PERSONEL POLICIES AND PROCEDURES

**SUBJECT: CONTINUATION OF INSURANCE COVERAGE AT
RETIREMENT**

POLICY NUMBER: 500.08

EFFECTIVE DATE: 01/01/1991

AMENDMENT DATE(S): 07/01/1994
07/01/1996
06/11/2001
07/01/2003
07/01/2004
07/01/2005
01/01/2019

SUBJECT: CONTINUATION OF INSURANCE COVERAGE AT RETIREMENT

PURPOSE: To outline procedures for the administration and eligibility of continuation of Group Medical/Dental coverage upon retirement.

SCOPE: Includes eligible retirees currently continuing under the City's group medical and dental plans and any employees who retire on or after July 1, 1996.

STATEMENT OF POLICY:

The City offers continuation of group medical and dental coverage to all employees who retire from service and who are qualified to receive benefits due to normal retirement as follows:

Law Enforcement Employees

1. Attainment of age 50 and have completed 15 years of creditable service; or
2. Attainment of age 55 and have completed 5 years of creditable service; or
3. Completed 30 years of creditable service at any age.

Non Law Enforcement Employees

1. Attainment of age 50 and have completed 20 years of creditable service; or
2. Attainment of age 60 (age 55 for firefighters) and have completed 5 years of creditable service, or
3. Completed 30 years of creditable service at any age.

REGULAR COVERAGE

Coverage will be continued under the type coverage (Individual, Family) as was in effect immediately preceding retirement date, and benefits will be the same as for all other members.

Coverage will be available only to those eligible dependents of the member covered on the day immediately preceding the date of retirement. The addition or removal of dependents will be allowed only as permitted by the group plan document that is in effect.

Future changes to benefit coverage, including addition or removal of dependent coverage, may be made only within 30 days of a change in family status or during annual open enrollment.

Coverage for eligible retirees will continue until:

Retiree ceases to be eligible as a retired employee as specified under the Retirement System;

Retiree fails to pay any applicable fees on or before the date due;

Retiree becomes eligible for benefits under Title XIX (Medicaid) of the Social Security act;

Whichever occurs first.

MEDICARE SUPPLEMENT

All retirees and their dependents who are Medicare eligible must be covered by the Medicare Supplement as provided by the City's Group Plan to continue under the City's Group Plan.

If the spouse or dependent is not yet Medicare eligible, that individual can remain under the regular plan as long as the retiree is enrolled in the Medicare Supplement.

PAYMENT OF PREMIUMS

If continuation of coverage is elected, medical and dental premiums for the retiree, including the Medicare Supplement premium, are payable by the City of Kannapolis according to the following schedule. An employee is eligible for this benefit provided that at the time of retirement the final five (5) years of service are years of employment with the City of Kannapolis.

20 or more years of creditable service:	75% of total premium
10 but less than 20 years of creditable service:	50% of total premium
Less than 10 years of creditable service:	0% of total premium

The retiree's portion of his/her premium, if any, and/or premiums for dependent coverage are the sole responsibility of the retiree and are due on or before the 25th day of the month preceding the month of coverage. In the event of disability retirement, years of creditable service shall be determined by adding the number of years actually worked to the number of years until the employee will be age 65.

It is the retiree's responsibility to inform the Personnel Department of any applicable changes.

DATE: _____

APPROVAL: _____



**City of Kannapolis
City Council Meeting
December 17, 2018
Staff Report**

TO: Mayor and City Council
FROM: Wilmer Melton, III, Director of Public Works
TITLE: Irish Buffalo Creek Greenway Project CEI Contract (TIP# C-5161)

A. Action Requested by City Council

Motion to award the Irish Buffalo Creek Greenway Project CEI Contract to SEPI Engineering & Construction, Inc. (SEPI) in the amount of \$455,903.16 and authorize the City Manager to execute Contract.

B. Required Votes to Pass Required Action

Majority present at meeting

C. Background

In September of 2018, we received letters of interest from prospective consultants on the Irish Buffalo Creek Greenway Project (TIP #C-5161) for CEI services and SEPI Engineering & Construction, Inc. (SEPI) was the selected firm to perform this work.

NCDOT has also reviewed the project scope and fee and is in concurrence. Therefore, it is staff's recommendation that City Council award the CEI services for the Irish Buffalo Creek Greenway Project to SEPI.

D. Fiscal Considerations

Funding for this work is covered from CMAQ funding and local debt proceeds.

E. Policy Issues

None

F. Legal Issues

None

G. Alternative Courses of Action and Recommendation
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1. **Award the Irish Buffalo Creek Greenway Project CEI Contract to SEPI Engineering & Construction, Inc. (SEPI) in the amount of \$455,903.16 and authorize the City Manager to execute Contract. (Recommended)**
2. Deny award of the Irish Buffalo Creek Greenway Project CEI Contract to SEPI Engineering and Construction, Inc. (SEPI) in the amount o \$455,903.16.
3. Table action to a future meeting.

ATTACHMENTS:

File Name

📎 2018_Kannapolis_-_Project_Scope_and_Fee_C-5161.pdf



1025 Wade Avenue
Raleigh, NC | 27605
919.789.9977

11020 David Taylor
Drive | Suite 300
Charlotte, NC | 28262
704.714.4880

5030 New Centre
Drive | Suite B
Wilmington, NC
28403 | 910.523.5715

October 11, 2018

Wilmer Melton, III
Director of Public Works
City of Kannapolis
401 Laureate Way
Kannapolis, NC 28081

Subject: Irish Buffalo Creek Greenway (TIP #C-5161) – Construction Engineering & Inspection Services – City of Kannapolis, NC

Dear Mr. Melton,

SEPI Engineering & Construction, Inc. (SEPI) is pleased to provide the City of Kannapolis with a scope and fee proposal for Professional Construction Engineering and Inspection Services for the Irish Buffalo Creek Greenway Project. This estimate is based upon our understanding of the project information and scope of work as provided by the plans (not finalized) issued by the **City of Kannapolis**.

SEPI offers our clients a wide spectrum of services and we pride ourselves on being a full-service civil engineering and construction management firm with a 17-year history of providing professional engineering consulting services throughout North Carolina and the southeastern United States. Our services include site/civil engineering; land planning; surveying; environmental; planning; roadway design; traffic engineering; water resources; environmental remediation; construction engineering and inspection; and operations and maintenance. Our multi-disciplined structure enables SEPI to provide full consulting services for every step of a project from inception to implementation. Our corporate office is located in Raleigh, with branch offices located in Charlotte and Wilmington, North Carolina.

Scope and Fee

Our scope of services includes your desire to have all construction management duties, material verification, and materials testing associated with this project, performed to minimum **City of Kannapolis (COK)** and NCDOT specifications. The scope of this project would include the following:

- * Standard proctor value on the subgrade;
- * In place density testing on the subgrade in accordance with NCDOT protocols;
- * In place density testing on the aggregate base in accordance with NCDOT protocols;
- * Preparation of 7 and 28 day cylinders and strength testing of field samples of concrete samples;
- * Nuclear gauge density testing of asphalt. In the event nuclear gauge is not used, asphalt cores will be taken;
- * Conduct all concrete field testing (which includes concrete air entrainment and concrete slump);
- * Produce concrete test cylinders and deliver to third party laboratory for testing;
- * Perform sampling for all appropriate materials on the project;
- * Monitor sedimentation and erosion control devices and document revisions to include in project "as-builts";
- * Monitor traffic control plans for compliance;
- * Monitor utility conflicts and relocations;
- * Inspect structure construction operations;
- * Inspect asphalt repair/laydown operations;

- * Maintain project documentation in accordance with minimum FHWA, **City of Kannapolis** and NCDOT standards;
- * Perform claims avoidance for client;
- * Provide project closeout for reimbursement.

SEPI construction technicians will have all equipment necessary to conduct their work in their possession at all times. All equipment will be well maintained, recently calibrated, and in good working order. SEPI will provide appropriate vehicle for requirements of project. SEPI will provide reliable computer with WiFi capability.

The Construction Technician has the ability to inspect construction phases for roadway/structure construction projects under the supervision of the construction project manager, or other supervisory personnel. The work by the Construction Technician is predicated upon the requirement to act and make decisions independently for routine project issues and to foster partnering relationships with the **City of Kannapolis**, contractors, the general public, or other project stakeholders. The Construction Technician will monitor the work of contractors to ensure quality control and contractor compliance of moderate complexity. The inspector will be flexible in his responsibilities and will use the direction of the engineer to incorporate plan changes and/or non-conformance of the contractor. This technician also maintains diaries and other project documentation. The technician will also provide cost documentation of pay quantities accurately and in a manner satisfactory to the City and in accordance to NCDOT standard procedures.

The Construction Manager's function is to manage the assigned elements of a construction project to assure quality of the contractor's compliance with the plans and contract documents, conduct preconstruction meetings, conduct monthly progress meetings, prepare reports, approve pay applications from contractor, manage project personnel staffing, project inspection, and contract administration.

The fees noted below include travel time and management/coordination/administration. Any direct expenses required beyond those considered customary will be reviewed with the **City of Kannapolis** for approval prior to expense.

Introduction:

SEPI Engineering & Construction (SEPI) will be assisting the **City of Kannapolis** on Construction Engineering and Inspection and Construction Materials Testing services for the subject project.

Description of Work Required:

Based upon information provided by the **City of Kannapolis**, construction technicians are needed for the inspection and observation of the construction of the Irish Buffalo Creek Greenway. Scope of work will include inspection of subgrades; compaction testing of fill soils; concrete material sampling and testing; nuclear gauge testing of aggregate base material and asphalt; monitoring sedimentation and erosion control devices; structure inspection; monitoring traffic control; monitor utility conflicts and relocations; and inspection of asphalt repair/laydown as needed for this project in accordance to minimum **City of Kannapolis** and NCDOT standards.

Project Administration:

1.1 General Administration

1. Project construction administration will be directed by the **City of Kannapolis (COK)**
2. SEPI will take direction from **COK** on schedule;
3. SEPI will coordinate all contractor communications with **COK** Project Manager
4. SEPI fee is based upon on an average 40 hours/week. Actual time invoiced will be based upon time on the project and performing duties associated with **COK** project.
5. SEPI will observe and inspect project per project contract, plans, permits, NCDOT Standards and Specifications, and any governing **City of Kannapolis** specifications.

General Design:

- 2.1 Project Quantities - SEPI will follow design plans (and any field plan revisions) to calculate quantities and document material received in accordance with NCDOT standard practices and will be based upon the latest version of the Standard Specifications and Project Special Provisions (2018).
- 2.2 Project Special Provisions - SEPI will observe and interpret the project special provisions for this project using the most current revisions in the contract document.

Construction Engineering and Inspection Services:

- 3.1 Daily Inspection - SEPI will observe daily operations of contractor per NCDOT standards and specifications.
- 3.2 Project Diaries - SEPI will document daily operations of contractor per NCDOT standards and specifications, and in accordance to the NCDOT Construction Manual with the approved daily report form. All needed forms will be identified prior to project to insure correct documentation is used.
- 3.3 Materials Received - SEPI will record all material received per NCDOT standards specifications and in accordance to the NCDOT Construction Manual, unless otherwise noted.
- 3.4 Maintain Pay Record Book - SEPI will record and document pay items per NCDOT standards, specifications, and the NCDOT Construction Manual, unless otherwise noted.
- 3.5 Coordinate Material Testing - SEPI will coordinate all laboratory testing with a certified testing laboratory.
- 3.6 Subgrade Evaluation - SEPI will observe and inspect subgrade operations, including density tests.
- 3.9 Material Testing - where appropriate and identified by scope, SEPI will provide field testing per NCDOT standards and specifications and within frequencies specified in the NCDOT Minimum Sampling Guide. All testing technicians assigned to this project will be certified by NCDOT.

QA/QC:

- 4.1 As part of SEPI's QA/QC process, SEPI's Project Manager will conduct project inspections to insure compliance and quality of work.
- 4.2 On-Site PM Review - This will be done as needed for a documentation review
- 4.3 Coordination with job progress will be part of the QC process.

4.4 Monthly Progress Meetings will be held with **COK**, contractor, and other stakeholder.

Project Coordination:

5.1 For this project the SEPI Team is available to conduct the Preconstruction Meeting if requested.

Project Schedule:

6.1 SEPI will coordinate the monitoring of work associated with this project when the scope and fee is approved by **COK**.

Exclusions:

7.1 If additional services are needed, this will be further negotiated.

Invoicing:

8.1 SEPI will send invoices on a monthly basis.

Estimate

Our project estimate is based upon project duration of **365 days (approx. 12 months)** from issuance of notice to proceed.

Our Labor Structure Fee Schedule is:

Refer to the attached NCDOT estimate spread sheet.

Scope of work will include proof rolling subgrades, compaction testing of fill soils, and nuclear gauge testing of asphalt (or observing the cutting of asphalt cores). We will inspect and monitor greenway installation and repair; utilities; grading; structures; drainage; ABC base installation; asphalt surfacing and repair; pavement markings and signage; sedimentation & erosion control; and document control.

Construction Technician(s) – **5,521 hours; Project Manager - 32 hours. Total Cost with labor and directs - \$455,903.16.**

STATEMENT OF FIRM BEING ON REGISTER.

SEPI is properly registered with the North Carolina Board of Registration for Professional Engineers and Land Surveys and carries the requested professional liability insurance coverage.

We have the financial capacity to undertake this assignment and have the accounting system to identify project costs accurately.

DATE OF MOST RECENT PRE-QUALIFICATION

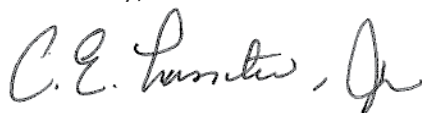
SEPI submitted our Private Engineering Firm Qualification Package (From-PREQUAL-1) and Private Consulting Firm Questionnaire for renewal on June 1, 2018. The SEPI Team will comply with all applicable federal, state, and local regulations regarding equal employment opportunity.

SEPI maintains Workers Compensation Insurance and General Liability Insurance coverage of \$2,000,000 for our Firm. Upon receipt of a Notice of Intent to Award (NIA) and/or Notice of Award, our team can provide Certificates of Insurance.

CONFIDENTIALITY

This proposal was prepared by SEPI solely for your internal use in evaluating SEPI's services. SEPI considers the pricing technical and business information containing in this estimate to be proprietary and confidential. This proposal and the information contained herein shall not be used for any purpose other as specifically stated above and shall not be disclosed to any other party without SEPI's prior written consent.

Sincerely,



C. E. "Neil" Lassiter, PE
Senior Vice-President - CEI Division Manager

The return of this executed document will serve as the Notice to Proceed.

Accepted By:

Print: _____

Signature: _____

Date: _____



**City of Kannapolis
City Council Meeting
December 17, 2018
Staff Report**

TO: Mayor and City Council
FROM: Wilmer Melton, III - Director of Public Works
TITLE: Resolution Supporting NCDOT Abandonment of the Maintenance Rights to Right-of-Way Maintenance Abandonment

A. Action Requested by City Council

Motion to approve the Resolution Supporting NCDOT Abandonment of the Maintenance Rights to Right-of-Way of the Old Alignment and the Addition of the New Alignment on Jim Johnson Road.

B. Required Votes to Pass Required Action

Majority present at meeting

C. Background

The developers of the Kannapolis Townhomes Development along Jim Johnson Road has requested the closure of the old Jim Johnson Road alignment in order to construct their proposed project. Prior to the City of Kannapolis closing the right-of-way, NCDOT must abandon maintenance. To initiate the process the City must provide a Resolution of support of the action to NCDOT.

Upon NCDOT's abandonment of maintenance the City can then proceed forward with our official closure process.

D. Fiscal Considerations

None

E. Policy Issues

None

F. Legal Issues

None

G. Alternative Courses of Action and Recommendation
--

1. **Approve the Resolution Supporting NCDOT Abandonment of the Maintenance Rights to Right-of-way of the old alignment and the addition of the new alignment on Jim Johnson Road. (Recommended)**
2. Deny approval of the Resolution.
3. Table to future meeting.

ATTACHMENTS:

File Name

- ▣ Resolution_Supporting_NCDOT_abandonment_of_R-O-W_on_Jim_Johnson_Road_(1).pdf
- ▣ Vicinity_Map_-_Jim_Johnson_Road_R-O-W_Abandonment.pdf

**Resolution of Support for the NC Department of Transportation
Rights-of-Way Maintenance Abandonment of Maintenance
for the Old Alignment of Jim Johnson Road**

WHEREAS, an economic development project titled Kannapolis Townhomes has been proposed within the City of Kannapolis and Cabarrus County; and

WHEREAS, the City of Kannapolis is in support of the NC Department of Transportation rights-of-way maintenance abandonment for the old alignment of Jim Johnson Road;

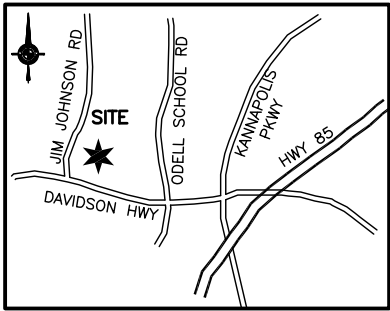
NOW THEREFORE, BE IT RESOLVED that the City of Kannapolis supports and encourages the NC Department of Transportation to abandon maintenance of the rights-of-way for the old alignment of Jim Johnson Road for the project titled Kannapolis Townhomes;

Adopted this the 17th day of December 2018.

Milton D. Hinnant, Mayor

ATTEST:

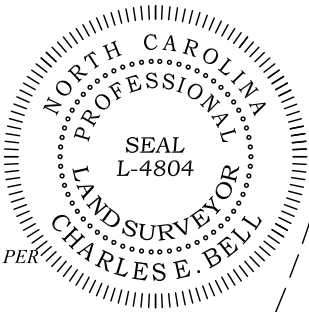
Bridgette Bell, MMC, NCCMC
City Clerk



VICINITY MAP - NTS

THIS IS TO CERTIFY THAT ON THE 13TH DAY OF NOVEMBER, 2018 AN ACTUAL SURVEY WAS MADE UNDER MY SUPERVISION OF THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE BOUNDARY LINES AND THE IMPROVEMENTS, IF ANY, ARE AS SHOWN HEREON. THIS PLAT MEETS THE MINIMUM STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA, BOARD RULE .1600 (21 NCAC 56) AND THE RATIO OF PRECISION DOES NOT EXCEED AN ERROR OF CLOSURE OF ONE (1) FOOT PER 10,000 FEET OF PERIMETER SURVEYED NOR 20 SECONDS TIMES THE SQUARE ROOT OF THE NUMBER OF ANGLES TURNED.

SIGNED Charles E. Bell



CLAYTON SCHOLAND
MELANIE SCHOLAND
DB. 11136 PG. 99
PIN # 46729191230000

NOTES:

1. THIS PLAT IS NOT FOR RECORDATION AS PER G.S. 47-30 AS AMENDED.

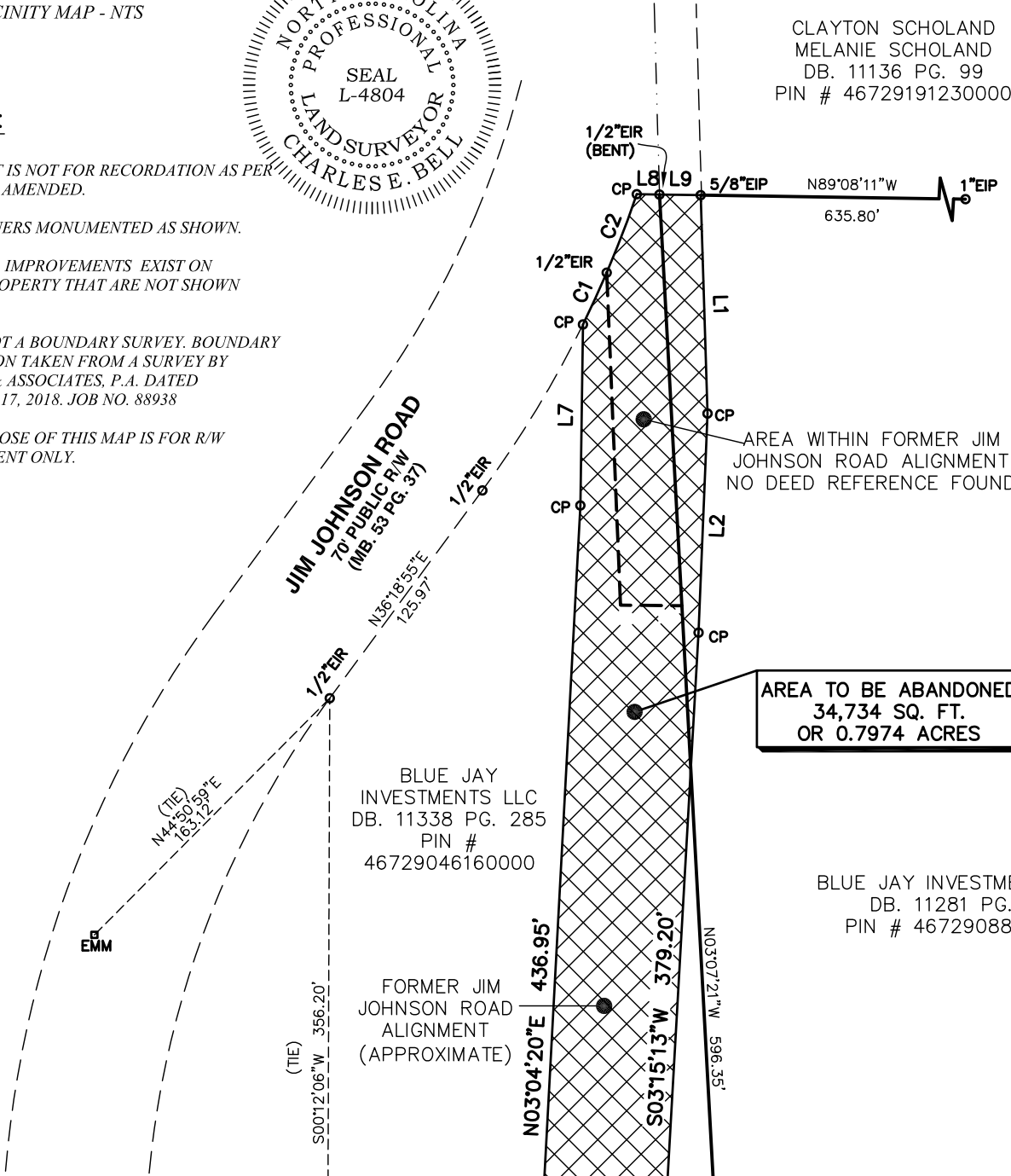
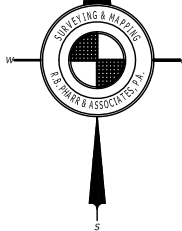
2. ALL CORNERS MONUMENTED AS SHOWN.

3. PHYSICAL IMPROVEMENTS EXIST ON SUBJECT PROPERTY THAT ARE NOT SHOWN HEREON.

4. THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION TAKEN FROM A SURVEY BY R.B.PHARR & ASSOCIATES, P.A. DATED SEPTEMBER 17, 2018. JOB NO. 88938

5. THE PURPOSE OF THIS MAP IS FOR R/W ABANDONMENT ONLY.

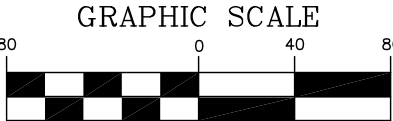
MAP REFERENCE:
NC GRID NAD 83(2001)



CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	535.00'	27.87'	N24°39'19"E	27.86'
C2	535.00'	41.04'	N20°57'57"E	41.03'

LINE	BEARING	DISTANCE
L1	S01°47'39"E	106.71'
L2	S02°20'20"W	107.13'
L3	N85°16'33"W	35.01'
L4	N85°16'33"W	31.68'
L5	N86°24'42"W	28.15'
L6	S86°24'42"E	87.19'
L7	N00°48'40"E	88.43'
L8	S89°08'11"E	11.10'
L9	S89°08'11"E	20.15'

NC HIGHWAY 73
CONCORD DAVIDSON ROAD
VARIABLE PUBLIC R/W
(MB. 53 PG. 37)
(DB. 11281 PG. 48)



(IN FEET)
1 inch = 80 ft.

LEGEND:

- CGF- COMBINED GRID FACTOR
CP- CALCULATED POINT
DB - DEED BOOK
EIP - EXISTING IRON PIPE
EIR - EXISTING IRON ROD
EMM - EXISTING METAL MONUMENT
MB - MAP BOOK
N.C.G.S. - NORTH CAROLINA GEODETIC SURVEY
NIR - NEW IRON ROD
PG. - PAGE
R/W - RIGHT-OF-WAY
PROPERTY LINE
PROPERTY LINE (NOT SURVEYED)
RIGHT-OF-WAY
RIGHT-OF-WAY (NOT SURVEYED)

CREW: RBP	DRAWN: PJH	REVISED:	SCALE: 1" = 80'	DATE: NOV. 20, 2018	JOB NO. 89333
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R/W ABANDONMENT MAP PREPARED FOR
BLUE JAY INVESTMENTS, LP

RE: 2014, 2222 JIM JOHNSON ROAD
CITY OF KANNAPOLIS, CABARRUS COUNTY, N.C.
DEED REFERENCE: 11281-48, 11338-285
TAX PARCEL: 46729046160000
4672908830000

R.B. PHARR AND ASSOCIATES, P.A.

SURVEYING AND MAPPING
LICENSURE NO: C-1471
420 HAWTHORNE LANE CHARLOTTE, N.C. 28204 TEL. (704) 376-2186



**City of Kannapolis
City Council Meeting
December 17, 2018
Staff Report**

TO: Mayor and City Council
FROM: Mike Legg, City Manager
TITLE: Resolution to Adopt a Meeting Schedule for 2019

A. Action Requested by City Council

Motion to adopt a Resolution approving a meeting schedule for City Council Meetings for Year 2019

B. Required Votes to Pass Required Action

Majority present at meeting

C. Background

In accordance with G.S. 160A-71(a), is the recommendation that the attached Resolution be approved adopting a regular meeting schedule for the year 2019. The fourth Monday in May falls on the Memorial Day holiday. City Council has two options: (1) amend the Resolution tonight by either cancelling or rescheduling the May 27 meeting or (2) City Council can take action at the May 13th meeting, amending the 2019 Regular Meeting Schedule.

D. Fiscal Considerations

None

E. Policy Issues

None

F. Legal Issues

None

G. Alternative Courses of Action and Recommendation

1. **Adopt a Resolution approving a meeting schedule for year 2019 (Recommended)**
2. Amend the proposed meeting schedule and adopt a Resolution setting forth a meeting schedule for 2019
3. Table action to a future meeting

ATTACHMENTS:

File Name

- ▢ Resolution_adopting_2019_meeting_schedule.pdf
- ▢ Schedule_2019.pdf

KANNAPOLIS CITY COUNCIL RESOLUTION

BE IT RESOLVED by the Kannapolis City Council, pursuant to North Carolina General Statute 160A-71, except as otherwise provided hereinafter that the following regular meeting schedule of the City Council is hereby adopted for the year 2019.

1. The Kannapolis City Council shall hold a regular meeting on the Second Monday of each month at 6:00 P.M. at the Kannapolis City Hall/ Police Headquarters, City Council Chamber located at 401 Laureate Way, Kannapolis, North Carolina; and
2. The Kannapolis City Council shall hold a regular meeting on the Fourth Monday of each month at 6:00 P.M. at the Kannapolis City Hall/ Police Headquarters, City Council Chamber Chambers located at 401 Laureate Way, Kannapolis, North Carolina.

BE IT RESOLVED FURTHER, that the regular meeting schedule previously adopted by the City Council is hereby rescinded in favor of the schedule set forth in this Resolution.

BE IT RESOLVED FURTHER, this regular meeting schedule shall be effective immediately and shall continue in effect unless and until it is revoked or amended by action of the City Council.

Adopted this 17th day of December, 2018.

Milton D. Hinnant Mayor

Bridgette Bell, MMC, NCCMC City Clerk



**KANNAPOLIS CITY COUNCIL
REGULAR SCHEDULED MEETINGS
YEAR 2019**

January 14, 2019
January 28, 2019

February 11, 2019
February 25, 2019

March 11, 2019
March 25, 2019

April 08, 2019
April 22, 2019

May 13, 2019
May 27, 2019 (**Memorial Day Holiday – Subject to Change**)

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
December 17, 2018
Staff Report**

TO: Mayor and City Council
FROM: Mike Legg, City Manager
TITLE: Election of Mayor Pro tem

A. Action Requested by City Council

The Mayor will accept nominations for the seat of Mayor Pro tem.

B. Required Votes to Pass Required Action

Majority present at meeting

C. Background

Following each municipal election year at their second meeting in November, City Council typically holds their organizational meeting and elects a Mayor Pro tem. This process was enacted a few years ago, when Mayor Hinnant presented the idea of electing a new Mayor Pro tem each November, affording an opportunity for all to serve. Mayor Hinnant will open the floor and call for nominations of Mayor Pro tem. Once all nominations have been received, the floor will be closed for nominations. Votes will be taken on those nominated.

D. Fiscal Considerations

None

E. Policy Issues

None

F. Legal Issues

None

G. Alternative Courses of Action and Recommendation

- 1) Appoint a new Mayor Pro tem (Recommended)
- 2) Revisit the issue of Mayor Pro tem serving a two year term
- 3) Table action to a future meeting

ATTACHMENTS:

File Name

No Attachments Available



**City of Kannapolis
City Council Meeting
December 17, 2018
Staff Report**

TO: Mayor and City Council
FROM: Wilmer Melton, III - Director of Public Works
TITLE: Modifications to Environmental Services and Contract

A. Action Requested by City Council

1. Motion to authorize Staff to proceed with the recommended Environmental Services Program changes.
2. Motion to authorize Staff to proceed with contract negotiations with the City's current solid waste provider, Waste Management, Inc.

B. Required Votes to Pass Required Action

Majority present at meeting

C. Background

At the November 26th Council Meeting Staff presented the challenges we are experiencing regarding the City's current Environmental Services Program:

- Bulky Waste Collection
 - Evictions with total contents of home tossed roadside
 - Illegal dumping roadside
 - E-waste illegally dumped roadside
 - Scavenging of items placed roadside
 - Roadside appearance and littering
 - Right-sizing of service due to lack of weekly usage
 - Proper placement and containment of bulky waste placed roadside
- Recycling Collection
 - Increased education of what is acceptable vs. recyclable
 - Billed \$73,450 for contaminated recycling over the past 5 months
- E-Waste Program
 - Increased e-waste disposal costs
 - Stripped televisions/shell disposal more costly
 - Non-Kannapolis residents and businesses utilizing service
- White Goods Collection
 - Right-sizing of service due to low volume

Recommended changes to the Environmental Services Program beginning FY July 1, 2019:

SERVICE	CURRENT	RECOMMENDED
Bulky Waste	Collected weekly, roadside no limit	Bi-weekly roadside collection, same day as recycling; limit of ten (10) yards monthly/five (5) yards bi-weekly
Recycling	Collected bi-weekly roadside	No change
E-Waste	Site-based drop-off program at Public Works Operations Center	Provide bi-weekly roadside collection; same day as recycling (potentially in-house)
White Goods	Collected weekly roadside	Provided bi-weekly roadside collection; same day as recycling (potentially in house)

Bulky Waste Collection

Staff has evaluated our weekly roadside bulky waste collection and believe transitioning to a bi-weekly roadside collection right-sizes the program as this represents only 20% of our collection points each week citywide. At the last meeting, there was a discussion regarding site-based bulky collection. Staff does not recommend this additional service because of prior experience with site-based programs resulting in contamination and abuse at both the 8th Street and the former Cabarrus Health Alliance located off Cannon Boulevard. To control and minimize abuse, sites would have to be staffed and located throughout the City to maintain a reasonable measure of convenience for our residents.

As opposed to a true site-based program, staff believes that it is reasonable to work with neighborhoods several times per year to have containers available for special clean-up events that would address Council's suggestion of site-based bulk pick-up without the abuse and significant additional cost to the program. In addition to the neighborhood clean-up program, we recommend modifying our solid waste contract to allow for two (2) courtesy pick-ups annually where residents might have items that are greater than allowed under our modified bulky waste collection. Should residents need more than that, staff is also exploring the establishment (as a part of the new solid waste contract) a fee-based service that residents may take advantage of for more than allowed bulky collection and courtesy collections.

E-Waste and White Goods Programs

Staff recommends abandonment of our e-waste site-based drop-off that has been problematic and resulted in increased costs due to stripped televisions and costly shell disposal. We have also experienced abuse of non-residents utilizing the service.

As a part of our contract negotiations with Waste Management, staff will evaluate the contracted cost of curbside e-waste and white goods collection versus the costs for providing these services in-house. This recommendation will be included with the recommended contract consideration in January or February 2019.

The right-sizing and recommended modifications to our bulky waste, e-waste and white goods will enhance and expand our level of service to our residents.

As previously stated, the current Solid Waste Services Contract ends June 30, 2019. Staff has been working diligently on several contract amendments and ordinances to address and further clarify various items in the documents that will improve and strengthen our Environmental Services Program. In light of this and while reviewing our current Contract, we have evaluated concerns regarding missed collections and find that we are well below the industry standard. Based on industry standards, 1% to 2% is reasonable in terms of missed collections. Evaluating our provider and level of service we are well below 0.5% for missed collections of all services (solid waste, recycling, backdoor, bulky and white goods collection). Please understand this does not account for our prior history with our carrier regarding yard waste that was not a core service for Waste Management. All carriers are going to experience missed pick-ups, equipment malfunctions or problems related to service and Waste Management is no different. In the past year, Waste Management has renewed their commitment and level of service to the City by making investments in new equipment and technology to enhance service.

It is quite likely that the overall cost of the contract will be more expensive to bid the project versus negotiate with the current provider. Additionally, it is quite possible that missed pickups and other complaints will increase initially with a new provider. Long-term, there is no guarantee that service delivery improvements will be achieved simply by changing providers.

Therefore, it is Staff's recommendation that City Council authorize Staff to negotiate our 2019 Solid Waste Services Contract with our current service provider, Waste Management, Inc.

D. Fiscal Considerations

The proposed right-sizing of our Environmental Services will provide cost savings that will allow us to enhance and expand our level of service to our residents by bringing E-Waste and White Goods collection in-house while continuing to contract the remaining core Environmental Services (solid waste, bulky waste collection and recycling).

Once again, as a part of our contract negotiations with Waste Management, we will evaluate the cost of curbside e-waste and white goods collection as well as determining if there are additional cost savings for providing these services in-house.

E. Policy Issues

City Council's authorization is needed to modify the Environmental Services Program and authorize staff to negotiate with the City's current Solid Waste provider.

F. Legal Issues

None

G. Alternative Courses of Action and Recommendation
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Environmental Services Program Modifications:

1. **Motion to authorize staff to proceed with the recommended Environmental Services Program changes (Recommended).**
2. Make no modification to the current Environmental Services Program.
3. Take no action at this time and delay our Solid Waste Services Contract.

Solid Waste Contract:

1. **Motion to authorize Staff to proceed with contract negotiations with our current solid waste provider, Waste Management, Inc. (Recommended)**
2. Motion authorizing Staff to competitively bid the 2019 Solid Waste Services Contract.
3. Table this action to a future meeting.

ATTACHMENTS:

File Name

No Attachments Available



**City of Kannapolis
City Council Meeting
December 17, 2018
Staff Report**

TO: Mayor and City Council
FROM: Mike Legg, City Manager
TITLE: Resolution Requesting Legislative Annexation of the High Bridge Property

A. Action Requested by City Council

Motion to approve the Resolution Requesting Legislative Annexation of the High Bridge Property.

B. Required Votes to Pass Required Action

Majority present at meeting

C. Background

At the November 26, 2018 meeting, City Council unanimously approved an interlocal agreement with Rowan County regarding funding participation for water and sewer extensions to the High Bridge development property on I-85 in southern Rowan County. This agreement and the mixed use development anticipated for the property are contingent upon two things: 1) execution of a development agreement with Louisiana-based Commercial Properties Realty Trust (negotiations are now in process), and 2) the successful annexation of the property into Kannapolis by the N.C. General Assembly.

Since the property is slightly closer to both the Town of Landis and the Town of China Grove, Kannapolis cannot annex the property on its own. For this project to move forward, the General Assembly must facilitate this annexation into Kannapolis. This resolution formally makes this request.

The requested effective date of the annexation is June 30, 2020 which corresponds to the target utility extension completion timeframe. Additionally, the resolution requests that Extraterritorial Jurisdiction be established on the property so that the City would immediately have zoning and land use regulatory authority. This would allow for proper planning and would give the developer early certainty on the planning approvals.

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 the Resolution Requesting Legislative Annexation of the High Bridge Property (recommended).**
2. Table the action to a future meeting.
3. Take no action.

ATTACHMENTS:

File Name

- ▣ High_Bridge_Development_Annexation_Resolution_Dec_2018.pdf
- ▣ High_Bridge_Properties_Annexation_Map.pdf

**RESOLUTION REQUESTING SPECIAL LOCAL LEGISLATION
TO ANNEX INTO THE CITY OF KANNAPOLIS APPROXIMATELY 318 ACRES
ADJACENT TO I-85 IN SOUTHERN ROWAN COUNTY**

WHEREAS, the City of Kannapolis (“Kannapolis”) and High Bridge, LLC, the owners of approximately 318 acres in southern Rowan County (“Property Owners”) have explored the possibility of a partnership among certain local governments in southern Rowan County to facilitate the development of this property for a mixed use development (“High Bridge Development” or “Property”); and

WHEREAS, the Property Owners desire to reduce uncertainty surrounding the provision of utilities and other municipal services critical to the development of the Property; and

WHEREAS, Kannapolis and the Property Owners have recognized that the currently under construction Old Beatty Ford Road interchange on Interstate 85 is a critical site for future job creation and economic growth in southern Rowan County and the greater region; and

WHEREAS, based on the capability to serve and the ability to support the development of the Property through water and sewer extensions, police and fire protection, solid waste management, marketing and other means, the Property Owners have determined that Kannapolis is the logical long-term provider of services to the High Bridge Development property; and

WHEREAS, the Property Owners have formally requested that the approximately 318 acres comprising the High Bridge Development property be annexed into the City of Kannapolis; and

WHEREAS, Kannapolis has a very successful history of partnering with large private sector investors and land developers to facilitate economic growth, investment and job creation; and

WHEREAS, Kannapolis, with financial support from Rowan County, has agreed to extend water and sewer lines and other municipal services to this area but is reluctant to do so without a mechanism of protecting any investment in providing these services; and

WHEREAS, Kannapolis and Property Owners have agreed that the action requested herein should become effective at a later date to provide enough time to facilitate the execution of a formal development agreement between the City and a third party developer and to allow for the completion of the water and sewer line extensions to the High Bridge Development properties; and

WHEREAS, The majority of the Southland Development property is closer to either China Grove or Landis than to Kannapolis and, as a result, Kannapolis is limited in its ability to unilaterally act on this annexation request by NCGS 160A-58.1(b)(2) which provides that a municipality’s satellite corporate limits may not be closer to the primary corporate limits of another municipality; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Kannapolis, North Carolina that the members of the Rowan County legislative delegation are hereby respectfully requested to sponsor special local legislation that annexes the High Bridge Development properties in southern Rowan County into the City of Kannapolis with an effective date of June 30, 2020. The property is further described in “Exhibit A” which is attached hereto and incorporated by reference.

Adopted this the 17th day of December 2018.

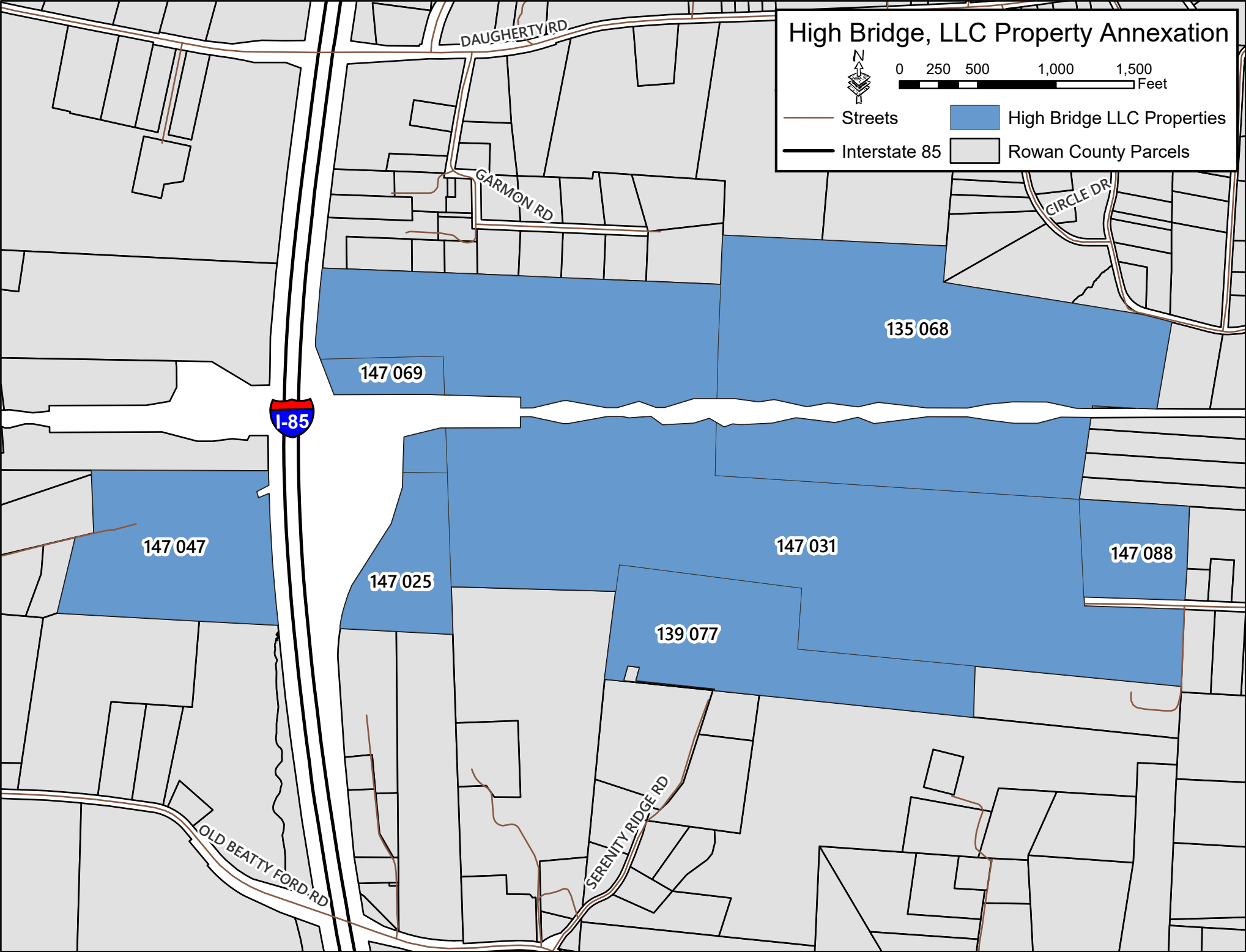
ATTEST:

Milton D. Hinnant, Mayor

Bridgette Bell, MMC, NCCCMC, City Clerk

Exhibit A

A description of the property to be inserted here prior to Mayor's execution of this Resolution and to transmittal to the Legislative Delegation. The description will generally correspond to the accompanying Annexation Map.





**City of Kannapolis
City Council Meeting
December 17, 2018
Staff Report**

TO: Mayor and City Council
FROM: Mike Legg, City Manager
TITLE: Appointments to the TAC and TCC

A. Action Requested by City Council

Appoint one Council Member to serve as the City's representative and one Council Member to serve as alternate on the TAC (2) Appoint one Staff liaison as the City's representative and one Staff liaison to serve as alternate on the TCC.

B. Required Votes to Pass Required Action

Majority present at meeting

C. Background

The N.C. Department of Transportation requires that each year all local Metropolitan Planning Organizations (ours is the Cabarrus-South Rowan MPO) provide a list of county and municipal representatives to the MPO's Technical Advisory Committee (TAC) and the Transportation Coordinating Committee (TCC).

At present, Council Member Dayvault is the appointed member and Council Member Wilson is the alternate to represent the City of Kannapolis on the TAC. Public Works Director Wilmer Melton is currently the TCC representative and Planning Director Zac Gordon serves as alternate.

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 appoint one Council Member to serve as the City's representative and one Council Member as alternate on the TAC; Appoint one Staff liaison to serve as the City's representative and one Staff liaison to serve as alternate the TCC. (Recommended)**
2. Appoint new members other than the ones currently serving
3. Table to a Future Meeting

ATTACHMENTS:

File Name

📎 MPO_Appointments.pdf

Mr. Mike Legg, Manager
City of Kannapolis
P. O. Box 1199
Kannapolis, North Carolina 28082

SUBJECT: 2018 Appointments to the Transportation Advisory Committee (TAC) and the Technical Coordinating Committee (TCC) of the Cabarrus-Rowan Urban Area Metropolitan Planning Organization (CRMPO)

Dear Mike,

As you are aware, each year the North Carolina Department of Transportation (NCDOT) requires the MPO to supply a list of current TAC and TCC representatives along with their alternates. At present, Councilman Ryan Dayvault is the appointed member and Councilman Doug Wilson is the alternate to represent the City of Kannapolis on the TAC. Zac Gordon is currently the TCC representative and Wilmer Melton is the alternate. Please notify the MPO as to who will serve in 2018 as your designated appointees to the TAC (elected officials only), as well as the TCC (staff) appointee and alternate. The TAC and TCC appointees must be available to attend regular monthly meetings and also participate on regional transportation planning committees. Attendance at the meetings is critical to the success of our planning efforts and to bring information back to their respective communities. A schedule of the meetings will be sent to your designated representative.

As all of the current TAC members are aware, there is a requirement to serve as a member or alternate of the TAC. TAC members are subject to provisions of the NC State Government Ethics Act, Chapter 138A of the NC General Statutes. There are two specific requirements: 1) State of Economic Interest (SEI) application, and 2) Real Estate Disclosure Form. Current MPO TAC members and their alternate must electronically file their SEI and Real Estate Disclosure Form annually by April 15th. This information can be found at <http://www.ethicscommission.nc.gov/sei>. Go to Statement of Economic Interest and click on MPO/RPO filers.

Please provide current contact information for your selected individuals to include mailing address, telephone number, fax number and e-mail address to Connie Cunningham at the CRMPO office by January 10, 2018. You may email your Information to ccunningham@mblsolution.com or mail to Connie Cunningham, Cabarrus Rowan MPO, 713 Sternbridge Drive, Concord, NC 28025.

Thank you for your attention to this matter.

Sincerely,

Phil Conrad

Phil Conrad
Cabarrus Rowan MPO Executive Director

Connie Cunningham
Cabarrus Rowan MPO
713 Sternbridge Drive
Concord, NC 28025
704-795-7528
704-795-7529 fax





**City of Kannapolis
City Council Meeting
December 17, 2018
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 Berry)

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