CITY COUNCIL
BUSINESS MEETING
AGENDA
KANNAPOLIS CITY HALL
401 LAUREATE WAY
KANNAPOLIS NC
SEPTEMBER 25, 2023 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

RECOGNITIONS

A. New Hire and Promotional Pinning (Tracy Winecoff, Fire Chief)

PROCLAMATIONS

A. National Night Out - October 3, 2023 (Darrell Hinnant, Mayor)

B. Hispanic and Latino Heritage Month (Darrell Hinnant, Mayor)

CONSENT AGENDA - Motion to Adopt Consent Agenda or make revisions

A. **COMMUNITY DEVELOPMENT BLOCK GRANT** - Revised loan terms for Urgent Repair Program. (Sherry Gordon, Community Development Program Administrator)

B. **PERSONNEL POLICY UPDATE** - Shift Differential Pay, Policy No. 400.19 (Heather James, Human Resources Director)

C. **BUDGET ORDINANCE AMENDMENT #24-13** - Reappropriation of Fund Balance for On-going Projects in Transit Fund (Kristin Jones, Assistant to the City Manager)

D. **BUDGET ORDINANCE AMENDMENT #24-14 -** CDBG Urgent Repair Funding (Kristin Jones, Assistant to the City Manager)

E. **BUDGET ORDINANCE AMENDMENT #24-15** - Appropriating funds received for National Night Out (Kristin Jones, Assistant to the City Manager)

F. **BUDGET ORDINANCE AMENDMENT #24-17 -** Appropriating funding for the Bethpage Road Sidewalk Improvement Project. (Kristin Jones, Assistant to the City Manager)

G. **BUDGET ORDINANCE AMENDMENT #24-18 -** Appropriating funding for the Building Integrated Communities Agreement between the City, UNC and the Camino Community. (Kristin Jones, Assistant to the City Manager)

H. **BUDGET ORDINANCE -** FY 24 CDBG and HOME Funding (Kristin Jones, Assistant to the City Manager)

I. **RESOLUTION -** Authorizing Human Resources Director to Execute Pre-Audit Certificates (Heather James, Human Resources Director)

BUSINESS AGENDA

A. **PUBLIC HEARING** - FY 2022-2023 Consolidated Annual Performance and Evaluation Report (CAPER) (Sherry Gordon, Community Development Program Administrator)

B. **PUBLIC HEARING -** Alley Right-of-Way Removal from Dedication located at 1100 Pine Street and Review Withdrawal Order (Michael Rattler, Director of Transportation & Environmental Services)

C. **INDUCEMENT RESOLUTION** - Affordable Housing Project (Irene Sacks, Director of Economic & Community Development)

CITY MANAGER REPORT

CITY COUNCIL COMMENTS

SPEAKERS FROM THE FLOOR

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 Kincaid)

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, contact Heather James, Human Resource Director at 704-920-4233 or email hjames@kannapolisnc.gov as soon as possible, but no later than forty-eight (48) hours before the scheduled event.

Agenda Item: D.A

Kannapolis City Council

City Council Agenda Staff Report
September 25, 2023

To: Mayor and City Council

From: Tracy Winecoff, Fire Chief

Subject: New Hire and Promotional Pinning

Action Requested by City Council

Required Votes to Pass Required Action

Presentation Only. No Action Required

Background

Tonight the Kannapolis Fire Department recognizes the badge pinning of new Firefighters Garrett Credle, Graham Abbuhl, Joseph Collins, Matthew Chunn, Avery Kendall, Cody Martin, Brayden Griffith and Justin Ramsey. We are also recognizing the promotional badge pinning of Battalion Chief Timothy J. Cook, Captain Tyler O'Brien and Engineers Brandon Glosson and Thomas Aube.

Fiscal Implications

Policy Issues

Legal Issues

Recommendations and Alternate Courses of Action

Attachments

None

Agenda Item: E.A

Kannapolis City Council

City Council Agenda Staff Report
September 25, 2023

To: Mayor and City Council

From: Darrell Hinnant, Mayor

Subject: National Night Out - October 3, 2023

Action Requested by City Council

Required Votes to Pass Required Action

Background

Fiscal Implications

Policy Issues

Legal Issues

Recommendations and Alternate Courses of Action

Attachments

1. National Night Out 2023

KANNAPOLIS

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

NATIONAL NIGHT OUT

WHEREAS, National Night Out is an annual community-building campaign that promotes true sense of community and provides a great opportunity to bring police and neighbors together under positive circumstances, and

WHEREAS, the goal of National Night Out is to have police-community partnerships and neighborhood camaraderie to make our neighborhoods safe and caring places to live, and

WHEREAS, the City of Kannapolis invites everyone, especially neighborhood associations, community groups and homeowner associations to join the Kannapolis Police Department, from 5:00 – 7:00 PM on Tuesday, October 3, 2023, at the horseshoe in front of City Hall to celebrate National Night Out. We will celebrate with food, children's games, entertainment and much more, and

WHEREAS, police-community partnerships, neighborhood safety awareness and cooperation are important themes of the "National Night Out" program.

NOW THEREFORE, I, MILTON D. HINNANT, Mayor of the City of Kannapolis do hereby proclaim Tuesday, October 3 as "National Night Out" in the City of Kannapolis, North Carolina.

FURTHER, LET IT BE RESOLVED THAT, I, MILTON D. HINNANT, Mayor of the City of Kannapolis, along with the Kannapolis City Council, do hereby call upon all citizens to join the Kannapolis Police Department in supporting National Night Out on October 3, 2023.

IN WITNESS THEREFORE, I have set my hand and caused the Great Seal of the City of Kannapolis be affixed this 25th day of September 2023.

Milton D. Hinnant

Agenda Item: E.B

Kannapolis City Council

City Council Agenda Staff Report
September 25, 2023

To: Mayor and City Council

From: Darrell Hinnant, Mayor

Subject: Hispanic and Latino Heritage Month

Action Requested by City Council

Required Votes to Pass Required Action

Background

Fiscal Implications

Policy Issues

Legal Issues

Recommendations and Alternate Courses of Action

Attachments

1. National Hispanic Heritage Month 2023

KANNAPOLIS

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

HISPANIC AND LATINO HERITAGE MONTH
September 15 – October 15, 2023

WHEREAS, each year from the 15^{th} of September to the 15^{th} of October, National Hispanic and Latino Heritage Month is celebrated throughout the United States; and

WHEREAS, the City of Kannapolis' population is roughly comprised of 14.2% of Hispanic community members and openly welcomes and supports its distinct cultural diversity; and

WHEREAS, Hispanic and Latino community members enrich our communities by sharing their vibrate culture and heritage and we are further inspired by the economic, social, and cultural contributions of the Hispanic community within the City.

NOW THEREFORE, I, MILTON D. HINNANT, Mayor of the City of Kannapolis on behalf of the Kannapolis City Council, hereby proclaim September 15 through October 15 as:

"National Hispanic and Latino Heritage Month"

in the City of Kannapolis and extend best wishes to all communities as they hold appropriate ceremonies to commemorate this observance.

IN WITNESS WHEREOF, I have set my hand and caused the great seal of the City of Kannapolis to be affixed this the 25^{th} day of September 2023.

Milton D. Hinnant

Agenda Item: F.A

Kannapolis City Council

City Council Agenda Staff Report
September 25, 2023

To: Mayor and City Council

From: Sherry Gordon, Community Development Program Administrator

Subject: **COMMUNITY DEVELOPMENT BLOCK GRANT** - Revised loan terms for Urgent Repair Program.

Action Requested by City Council

Motion to approve revised loan terms for CDBG urgent repair program.

Required Votes to Pass Required Action

Majority Present at Meeting

Background

The current City CDBG Urgent Repair program provides a five-year forgivable term for homeowners, with a ten-year Affordability Period when the City invests in an urgent repair project. This loan term requires the City to recapture the full amount if the homeowner no longer resides in the dwelling as their primary residence whether voluntarily, involuntarily or by operation of law for the duration of the Affordability Period, even though the entire loan amount was forgiven by the end of the fifth year.

In order to better align the loan term with the Affordability Period and reduce homeowner confusion about program requirements, staff is recommending revising the loan terms for future urgent repair projects to provide a 10-year loan that is deferred the first five years and then forgiven at 20% per year for the next five years if the homeowner continues to abide by terms set forth in written agreements.

This would align the end of the loan term with the end of the Affordability Period, releasing the homeowner of all obligations associated with the Urgent Repair program at the end of the ten-year period.

Fiscal Implications

None

Policy Issues

None

Legal Issues

None

Recommendations and Alternate Courses of Action

1. **Approve revised 10-year loan terms for CDBG urgent repair program (Recommended).**
2. Do not change the current loan term for the CDBG urgent repair program.
3. Defer action to a future meeting.

Attachments

None

Agenda Item: F.B

Kannapolis City Council

City Council Agenda Staff Report
September 25, 2023

To: Mayor and City Council

From: Heather James, Human Resources Director

Subject: **PERSONNEL POLICY UPDATE** - Shift Differential Pay, Policy No. 400.19

Action Requested by City Council

Motion to amend the personnel policy to include "Peak Shift Differential Pay" for telecommunicators at the rate of .75 cents per hour.

Required Votes to Pass Required Action

Majority Present at Meeting

Background

"Peak Pay" for telecommunicators was not included in the approved budget requested for the police department. This is a request to amend the personnel policy to include "Peak Pay" for telecommunicators. Additionally, the policy updates other immaterial items and adds a chart for easy readability.

Fiscal Implications

None. Funding can be absorbed through lapsed salary.

Policy Issues

None

Legal Issues

None

Recommendations and Alternate Courses of Action

1. **Motion to approve the Shift Differential Pay, Policy No. 400.19 (Recomended).**
2. Do not approve the Shift Differential Pay.
3. Defer action to a future meeting.

Attachments

1. 400.19 - Shift Differential Pay 09_25_2023 FINAL

CITY OF KANNAPOLIS

PERSONNEL

POLICIES AND PROCEDURES

SUBJECT:	**Shift Differential Pay**
POLICY NO:	**400.19**
EFFECTIVE DATE:	
REVIEW DATE:	
AMENDMENT DATE(S):	July 4, 2018 – Extended to Water Treatment Plant Employees January 12, 2022 – Increased rate / added Sworn Officers and peak shift September 25, 2023

SUBJECT: **Shift Differential Pay**

PURPOSE: To establish guidelines for shift differential pay for City of Kannapolis employees in the police department support services and field operations bureaus and eligible employees in water resources. ~~communications personnel~~. Shift differential pay is designed to compensate employees who work outside historically normal on less desirable business hours.

STATEMENT OF POLICY:

All regular full-time personnel assigned and working a regular, non-rotating peak (sworn police and civilian telecommunications~~personnel~~), mid~~,~~ night, or other shifts as defined by this policy shall receive shift differential pay in addition to their regular base hourly rate.

Differential pay shall be at ~~a~~ the following rates:

	Police Department ~~Communication Division~~ Support Services Bureau *applicable to non-sworn telecommunicator positions only*	**Police Department ~~Field Services Division~~Operations Bureau** *applicable to sworn police officer positions only*	**Water Resources** *applicable to water treatment plant and special assignment construction maintenance crew only*
Shift Type			
Peak Shift *applicable to non-rotating shift beginning between 11:00 AM-2:00 PM (adjusted annually based on police chief's discretion)*	$0.75 per hour	$1.00 per hour	n/a
Second Shift *beginning at 3:00PM*	n/a	n/a	$1.50 per hour
Night Shift *applicable to non-rotating 12-hour shift beginning between 5:00PM – 7:00PM*	$1.50 per hour	$2.00 per hour	n/a
Other *8, 10 or 12 hour shift beginning between 5:00PM – 7:00PM EST*	n/a	n/a	$1.50 per hour

1) **Police Department ~~Communications Division~~Support Services Bureau**

Authorization for shift differential pay will be given only after a full-time ~~communications employee~~civilian telecommunicator has been released from training upon the recommendation of the supervisor with approval of the Chief of Police in accordance with the following guidelines:

a) Differential pay will only be paid to ~~civilian~~telecommunicator employees assigned to a regular, non-rotating night or peak shift. The night shift is defined as any twelve (12) hour shift beginning between the hours of 5 PM and 7 PM EST. The peak shift is defined as any 12-hour shift beginning between the hours of 11 AM to 2 PM EST. The beginning peak shift hours may be adjusted annually based on calls for service.

b) Newly hired employees will be ineligible for shift differential pay during training. Upon release from training status and final assignment to a regular, non-rotating night shift, a payroll transaction request will be submitted to the Chief of Police for approval of the shift differential.

c) Upon the Chief's approval, the payroll transaction request will be forwarded to Human Resources for implementation.

d) In the event a current employee is reassigned to a regular, non-rotating day shift, a payroll transaction request form will be submitted to end the shift differential.

e) Employees working outside their normal rotation (training, supplementary duty, etc.) will be compensated according to their regular assignment and not the hours worked on a specific day, provided the hours worked outside the regular assignment does not exceed seven (7) consecutive days.

2) **Police Department Field ~~Services Division~~Operations Bureau**

Authorization for shift differential pay will be given only after a full-time sworn officer has been released from training upon the recommendation of the supervisor with approval of the Chief of Police in accordance with the following guidelines:

a) Differential pay will only be paid to sworn officers assigned to a regular, non-rotating night or peak shift. The night shift is defined as any twelve (12) hour shift beginning between the hours of 5 PM and 7 PM. The peak shift is defined as any twelve (12) hour shift beginning between the hours of 11 AM to 2 PM. The beginning peak shift hours may be adjusted annually based on Calls for Service data.

b) Newly hired employees will be ineligible for shift differential pay during training.

-Upon release from training status and final assignment to a regular, non-rotating night or peak shift, a payroll transaction request will be submitted to the Chief of Police for approval of the shift differential.

c) Upon the Chief's approval, the payroll transaction request will be forwarded to Human Resources for implementation.

d) In the event a current employee is reassigned to a regular, non-rotating day shift, a payroll transaction request form will be submitted to end the shift differential.

e) Employees working outside their normal rotation (training, supplementary duty, etc.) will be compensated according to their regular assignment and not the hours worked on a specific day, provided the hours worked outside the regular assignment does not exceed seven (7) consecutive days.

3) **Water ~~Treatment Plant~~Resources**

Authorization for shift differential pay will be given only after a full-time water treatment plant employees and employees on the special assignment second shift construction maintenance crew ~~after a fulltime Water Treatment Plant employee~~ has been released from training upon the recommendation of the supervisor with approval of the Department Director in accordance with the following guidelines:

a) Differential pay will ~~only~~ be paid to Water Treatment Plant employees assigned to a regular, non-rotating night shift. The night shift is defined as any eight (8), ten (10), or twelve (12) hour shift beginning between the hours of 5 PM and 7 PM. Additionally, employees on the special assignment construction maintenance crew working second shift beginning at 3:00PM will be eligible.

b) Newly hired employees will be ineligible for shift differential pay during training. Upon release from training status and final assignment to a regular, non-rotating night shift, a payroll transaction request will be submitted to the Department Director for approval of the shift differential.

c) Upon the Director's approval, the payroll transaction request will be forwarded to Human Resources for implementation.

d) In the event a current employee is reassigned to a regular, ~~non-rotating~~ day shift, a payroll transaction request form will be submitted to end the shift differential.

DATE: _________ **APPROVAL:** _______________________________________

Kannapolis City Council

City Council Agenda Staff Report
September 25, 2023

To: Mayor and City Council

From: Kristin Jones, Assistant to the City Manager

Subject: **BUDGET ORDINANCE AMENDMENT #24-13** - Reappropriation of Fund Balance for On-going Projects in Transit Fund

Action Requested by City Council

Approve budget amendment #24-13 which reappropriates fund balance for on-going projects in the transit fund.

Required Votes to Pass Required Action

Majority Present at Meeting

Background

This budget amendment appropriates fund balance to fund the following projects, purchase orders and/or contracts that took place in FY 23 but were unable to be completed. Therefore, an appropriation of fund balance must take place for the funding to be re-appropriated (carry forward) from FY 23 to FY 24.

The following list are the projects:

- $540,336 in capital purchases related to vehicle replacements and the 5339b bus purchase for the CK Rider Public Transit System.

Fiscal Implications

An appropriation of fund balance is needed to carry over funding from FY 23 to FY 24 for the capital purchases of vehicle replacements and the 5339b bus grant purchase totaling an estimated $540,336.

Policy Issues

None.

Legal Issues

None.

Recommendations and Alternate Courses of Action

1. Motion to approve budget amendment #24-13 which reappropriates fund balance for on-going projects in the transit fund **(Recommended).**
2. Do not approve.
3. Table to a future meeting.

Attachments

1. Transit Fund Reapprop

**ORDINANCE AMENDING BUDGET FOR THE
CITY OF KANNAPOLIS, NORTH CAROLINA
FOR THE FISCAL YEAR BEGINNING JULY 1, 2023, AND ENDING JUNE 30, 2024
Amendment # 24-13**

BE IT ORDAINED by the City Council of the City of Kannapolis, North Carolina meeting in open session this 25th day of September 2023, that the following amendment to the Budget Ordinance for the City of Kannapolis, North Carolina for the Fiscal Year beginning July 1, 2023, and ending June 30, 2024, is hereby adopted:

Description: This budget amendment appropriates fund balance to fund the following projects, purchase orders and/or contracts that took place in FY 23 but were unable to be completed. Therefore, an appropriation of fund balance must take place for the funding to be re-appropriated (carry forward) from FY 23 to FY 24.

The following list are the projects:

- $540,336 in capital purchases related to vehicle replacements and the 5339b bus purchase for the CK Rider Public Transit System.

SECTION I - Transit Fund

Revenue:	Increase: Fund Balance Appropriation Revenue: 77500-39900	$540,336
Expense:	Increase: Capital Machinery and Equipment Revenue: 77500-59500	$540,336

This ordinance is approved and adopted this 25th day of September 2023.

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Milton D. Hinnant, Mayor

ATTEST:

____
Bridgette Bell, MMC, NCCMC
City Clerk

Kannapolis City Council

City Council Agenda Staff Report
September 25, 2023

To: Mayor and City Council

From: Kristin Jones, Assistant to the City Manager

Subject: **BUDGET ORDINANCE AMENDMENT #24-14 -** CDBG Urgent Repair Funding

Action Requested by City Council

Approve a Budget Ordinance amendment #24-14 which appropriates funds for CDBG urgent repairs.

Required Votes to Pass Required Action

Majority Present at Meeting

Background

The City received a check in the amount of $5,232 as repayment of for the CDBG urgent repair project due to the property in question being sold (2113 Grandhaven Drive).

Fiscal Implications

This Budget Amendment budgets the revenues as repayment of CDBG urgent repair project funds as program income by HUD rules.

Policy Issues

None.

Legal Issues

None.

Recommendations and Alternate Courses of Action

1. Motion to adopt Budget Ordinance Amendment #24-14 which appropriates funds for CDBG urgent repairs (Recommended).
2. Do not approve the Budget Ordinance Amendment.
3. Table to a future meeting.

Attachments

1. BA #24-14 CDBG Program Income

CITY OF KANNAPOLIS, NORTH CAROLINA
COMMUNITY DEVELOPMENT BLOCK GRANT
ENTITLEMENT PROGRAM FY 2023-2024
Amendment #24-14

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 for urgent repair project.

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

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

CDBG Program Income: 75000-33350-CPRX	$5,232
Total Revenues:	**$5,232**

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

Rehabilitation Expenses 75000-51950-CPRX	$5,232
Total Expenditures:	**$5,232**

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 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 25th day of September 2023.

____
Milton D. Hinnant, Mayor

ATTEST:

____
Bridgette Bell, MMC, NCCMC
City Clerk

Agenda Item: F.E

Kannapolis City Council

City Council Agenda Staff Report
September 25, 2023

To: Mayor and City Council

From: Kristin Jones, Assistant to the City Manager

Subject: **BUDGET ORDINANCE AMENDMENT #24-15** - Appropriating funds received for National Night Out

Action Requested by City Council

Approve Budget Ordinance Amendment #24-15 appropriating funds received for National Night Out.

Required Votes to Pass Required Action

Majority Present at Meeting

Background

The City received a check from NOVA Credit Union in the amount of $500 for National Night Out expenses.

Fiscal Implications

The Budget Amendment budgets the revenue received and applicable expense accounts.

Policy Issues

None.

Legal Issues

None.

Recommendations and Alternate Courses of Action

1. Motion to approve Budget Ordinance Amendment #24-15 appropriating funds received for National Night Out (Recommended).
2. Do not approve the Budget Ordinance Amendment.
3. Table to a future meeting.

Attachments

1. National Night Out BA FY 24

ORDINANCE AMENDING BUDGET FOR THE
CITY OF KANNAPOLIS, NORTH CAROLINA
FOR THE FISCAL YEAR BEGINNING JULY 1, 2023
AND ENDING JUNE 30, 2024
Amendment # 24-15

BE IT ORDAINED by the City Council of the City of Kannapolis, North Carolina meeting in open session this 25th day of September 2023, that the following amendment to the Budget Ordinance for the City of Kannapolis, North Carolina for the Fiscal Year beginning July 1, 2023, and ending June 30, 2024, is hereby adopted:

Description: Budgeting the revenues received from NOVA Credit Union for National Night Out so supplies (expenses) can be purchased in the future and stay earmarked for the program.

SECTION I– GENERAL FUND

Revenues:		
	Increase – Private Grants Revenue: 10000-34800	$500
Expenditure:	Increase – Grant Expenses Expenditure: 11100-51315	$500

This ordinance is approved and adopted this 25th day of September 2023.

____
Milton D. Hinnant, Mayor

ATTEST:

____
Bridgette Bell, MMC, NCCMC
City Clerk

Agenda Item: F.F

Kannapolis City Council

City Council Agenda Staff Report
September 25, 2023

To: Mayor and City Council

From: Kristin Jones, Assistant to the City Manager

Subject: **BUDGET ORDINANCE AMENDMENT #24-17 -** Appropriating funding for the Bethpage Road Sidewalk Improvement Project.

Action Requested by City Council

Adopt a Budget Ordinance Amendment #24-17 appropriating funding for the Bethpage Road Sidewalk Improvement Project.

Required Votes to Pass Required Action

Majority Present at Meeting

Background

This Capital Project Ordinance appropriates funding for the supplemental grant agreement for the Bethpage Road Sidewalk project for CMAQ funding (80/20 split). 80% Federal funds at $2,196,600 and 20% City's portion of this project at $548,400. Part of the funding was already budgeted for this project. This Ordinance cleans up prior funding and covers completion of engineering, rights of way acquisition and construction for this project.

Fiscal Implications

None.

Policy Issues

None.

Legal Issues

None.

Recommendations and Alternate Courses of Action

1. **Motion to adopt a Budget Ordinance Amendment #24-17 appropriating funding for the Bethpage Road Sidewalk Improvement Project (Recommended).**
2. Do not adopt the Budget Ordinance Amendment.
3. Table to a future meeting.

Attachments

1. 24-17 Bethpage Rd. Sidwalk
2. Grant 43713.1.6 43713.2.6 43713.3.6

CITY OF KANNAPOLIS, NORTH CAROLINA
BETHPAGE ROAD SIDEWALK
CAPITAL PROJECT ORDINANCE
Amendment # 24-17

BE IT ORDAINED by the Governing Board 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 capital project ordinance is hereby adopted:

Section 1. The project authorized is for infrastructure construction of Bethpage Road Sidewalk project.

Section 2. The City Manager is hereby directed to proceed with the Capital Project in compliance with the North Carolina General Statutes and within the budget contained herein.

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

Section 4. The following amounts are appropriated for this project.

Description: Budgeting the funding for the supplemental agreement for the Bethpage Road Sidewalk project for the CMAQ grant (80/20 split). 80% Federal funds of $2,196,600 and 20% City's portion of this project at $548,400. Part of the funding was already budgeted for this project. This budget amendment cleans up prior funding and covers completion of engineering, rights of way acquisition and construction for this project.

SECTION I– GENERAL FUND

Revenues:		
	Increase – Fund Balance Appropriated Revenue: 19900-39000	$486,400
Expenditure:	Increase – Transfer to Capital Project Funds Expense: 19000-57200	$486,400

SECTION II- BETHPAGE ROAD SIDEWALK

Revenues:		
	Increase – State Grant Revenue Revenue: 26000-34000	$1,545,600
Revenues:	Increase – Transfer from Capital Project Funds Revenue: 26000-39200	$386,400
Expenditure:	Increase – Capital-Infrastructure Expenditure: 26000-59600	$1,932,000

Section 5. The Finance Officer is hereby directed to maintain within the Capital Project. Fund sufficient specific detailed accounting records to provide for accounting to the City Council as required by North Carolina law.

Section 6. The Finance Officer is directed to report quarterly on the financial status of each project element in Section 4 and on total project revenue.

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 Capital Project Ordinance shall be made available to the Finance Officer for direction in carrying out this project.

This ordinance is approved and adopted this 25th day of September 2023.

____
Milton D. Hinnant, Mayor

ATTEST:

____
Bridgette Bell, MMC, NCCMC City Clerk

NORTH CAROLINA	**2nd SUPPLEMENTAL AGREEMENT**		
CABARRUS COUNTY			
	DATE: 7/18/2023		
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION			
	TIP #:	C-5603F	
AND	WBS ELEMENTS:	PE	43713.1.6
		ROW	43713.2.6
CITY OF KANNAPOLIS		CON	43713.3.6
	FEDERAL-AID #:	CMAQ-1001(079)	
	CFDA #:	20.205	
	TOTAL SUPPLEMENTAL FUNDS [NCDOT PARTICIPATION]	$1,985,600	

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."

W I T N E S S E T H:

WHEREAS, the Department and the Municipality on 5/9/2018, entered into a certain Project Agreement for the original scope: design, right of way acquisition, construction, and contract administration of approximately 2700 linear feet of sidewalk, curb and gutter, and associated storm drainage along the north side of Bethpage Road from South Main Street to existing sidewalk at Leonard Avenue; and along the south side of Bethpage Road from Westgreen Drive to Klondale Avenue, programmed under Project C-5603F; and,

WHEREAS, on 7/15/2019, the Cabarrus-Rowan Metropolitan Planning Organization and the Municipality reduced CMAQ funds on the Project and moved the funding to Project C-5161, and;

WHEREAS, the Cabarrus-Rowan Metropolitan Planning Organization and the Municipality have requested additional funding for this project and the Department is in agreement.

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

FUNDING

PROGRAMMING AND AUTHORIZATION OF FEDERAL FUNDS

The funding currently programmed for the project in the State Transportation Improvement Program (STIP) is Congestion Mitigation and Air Quality – CMAQ. The funding source may be modified with the coordination and approval of the respective Metropolitan Planning Organization (MPO) and/or the Department prior to authorization of funds. The Department will authorize and reimburse federal funding based on the type of federal funding that is programmed in the STIP at the time of the authorization request. The Department will notify the Municipality of the type of federal funds authorized by issuing a Technical Amendment – Funds Authorization letter. A modification in the source of funds will have no effect on the project responsibilities outlined in this agreement.

REIMBURSEMENT FOR ELIGIBLE ACTIVITIES

The Department's original participation was $208,000. The Department agrees to reimburse the Municipality an additional $1,985,600. The Department shall reimburse eighty percent (80%) of eligible expenses incurred by the Municipality up to a maximum amount of Two Million One Hundred Ninety-Three Thousand Six Hundred Dollars ($2,193,600), as detailed below. The Municipality shall provide the non-federal match, as detailed in the REVISED FUNDING TABLE below, and all costs that exceed the Total Estimated Cost.

REVISED FUNDING TABLE

Fund Source	Federal Funds Amount	Reimbursement Rate	Non-Federal Match $	Non-Federal Match Rate
BGDA Supplemental Agreement #8753	$208,000	80%	$52,000	20%
BGDA Supplemental Agreement #11591	$1,985,600	80%	$496,400	20%
Subtotal	**$2,193,600**		**$548,400**	
Total Estimated Cost		**$2,742,000**		

OTHER PROVISIONS

The other party to this Agreement shall comply with Title VI of the Civil Rights Act of 1964 (Title 49 CFR, Subtitle A, Part 21) and related nondiscrimination authorities. Title VI and related authorities prohibit discrimination on the basis of race, color, national origin, disability, gender, and age in all programs or activities of any recipient of Federal assistance.

A copy or facsimile copy of the signature of any party shall be deemed an original with each fully executed copy of the Agreement as binding as an original, and the parties agree that this Agreement can be executed in counterparts, as duplicate originals, with facsimile signatures sufficient to evidence an agreement to be bound by the terms of the Agreement.

Except as hereinabove provided, the Agreement heretofore executed by the Department and the Municipality on 5/9/2018, 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.

CITY OF KANNAPOLIS

DocuSigned by:

BY: Michael B. Legg

B937150E2B864E7...

TITLE: City Manager

DATE: 07/23/2023

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.

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

DocuSigned by:

108ED4585A42441...

(FINANCE OFFICER)

Federal Tax Identification Number

56-1452469

Remittance Address:

City of Kannapolis

401 Laureate Way

Kannapolis, NC 28081

DEPARTMENT OF TRANSPORTATION

DS

MTG

DocuSigned by:

BY:

383C434421994A4...

(CHIEF ENGINEER)

DATE: 09/08/2023

DS

YSM

APPROVED BY BOARD OF TRANSPORTATION ITEM O: September 7, 2023 (Date)

Agreement ID # 11591

Agenda Item: F.G

Kannapolis City Council

City Council Agenda Staff Report
September 25, 2023

To: Mayor and City Council

From: Kristin Jones, Assistant to the City Manager

Subject: **BUDGET ORDINANCE AMENDMENT #24-18 -** Appropriating funding for the Building Integrated Communities Agreement between the City, UNC and the Camino Community.

Action Requested by City Council

Approve Budget Amendment #24-18 appropriating funding for the Building Integrated Communities Agreement between the City, UNC and the Camino Community.

Required Votes to Pass Required Action

Majority Present at Meeting

Background

The City received a grant in the amount of $12,000 from UNC that will be utilized to work with Camino and UNC to develop a plan for engaging the Latino community.

The Program is a community planning and leadership initiative that partners with North Carolina local governments to create inclusive practices and policies for residents born in other countries. Local governments and community stakeholders work together to improve communication, public safety, mobility, entrepreneurship, and leadership of immigrant and refugee residents. The Agency must collaborate with a Community that has a 501(c)(3) designation from the Internal Revenue Service. The Agency and Community will, together, form a core team of participants ("Team").
During the Term of the MOA, the Team will work through a process to:

a. Learn about promising practices related to language access and immigrant integration;
b. Develop a written action plan ("Plan");
c. Present the Plan to appropriate local authority for approval; and
d. Implement at least one (1) recommendation from the Plan.

Fiscal Implications

A budget amendment is required to appropriate the revenues and expenses for this grant agreement to take place.

Policy Issues

None.

Legal Issues

None.

Recommendations and Alternate Courses of Action

1. **Motion to approve budget amendment #24-18 appropriating funding for the Building Integrated Communities Agreement between the City, UNC and the Camino Community. (Recommended).**
2. Do not approve the budget amendment.
3. Table to a future meeting.

Attachments

1. UNC BIC Kannapolis MOA_09.08.23
2. UNC Grant BA

MEMORANDUM OF AGREEMENT FOR BUILDING INTEGRATED COMMUNITIES

This Building Integrated Communities Memorandum of Agreement ("MOA") is made by and between the government of the City of Kannapolis ("Agency"), the community organization, Camino Community Development Corporation, Inc. ("Community"), and The University of North Carolina at Chapel Hill for its Institute for the Study of the Americas ("University"). Agency, Community, and University may be individually referred to as a "Party" or collectively as the "Parties."

This MOA details the requirements for participation in the Building Integrated Communities Partnership program ("Program").

1. **Background and Purpose**: The Program is a community planning and leadership initiative that partners with North Carolina local governments to create inclusive practices and policies for residents born in other countries. Local governments and community stakeholders work together to improve communication, public safety, mobility, entrepreneurship, and leadership of immigrant and refugee residents. The Agency must collaborate with a Community that has a 501(c)(3) designation from the Internal Revenue Service. The Agency and Community will, together, form a core team of participants ("Team"). During the Term of the MOA, the Team will work through a process to:
    a. Learn about promising practices related to language access and immigrant integration;
    b. Develop a written action plan ("Plan");
    c. Present the Plan to appropriate local authority for approval; and
    d. Implement at least one (1) recommendation from the Plan.
2. **MOA Term**. The MOA will begin on the date of the last Party's signature ("Effective Date") and will end on May 31, 2025, unless terminated earlier in accordance with this MOA.
3. **Requirements, Services, and Deliverables:** The following details each Party's requirements, and each Party is expected to complete all requirements in accordance with the MOA:
    a. **The University**:
        i. Plan and facilitate monthly Team meetings and/or workshops to support the creation of the Plan. The monthly meetings and workshops will begin in May of 2024 and end in May of 2025. The meetings and workshops may be collectively referred to as "Events".
        ii. Provide the Community and Agency with Event content (meeting agendas, expert speakers, supplemental materials, and/or Zoom links, as appropriate).
        iii. Support Agency participants in collating and analyzing responses to an internal survey to assess multilingual communication capacity.
        iv. Support Community participants in collating and analyzing responses to surveys and meetings with Kannapolis residents.
        v. Support Team with drafting and editing Plan, as appropriate.

vi. Provide Spanish language interpretation during Events at no cost to the Community or Agency. Community and/or Agency must request interpretation services at least two (2) weeks in advance of the Event. Requests may be made via e-mail. Any language interpretation needs in addition to Spanish or in meetings outside of monthly University-facilitated Events should be secured by the Agency.

b. **Agency**:

i. **Participation**:

A. Identify staff members to participate on the Team and attend monthly Team meetings.

B. Ensure representatives of as many departments of local government as possible participate.

C. One Team member should be the designated person who handles public communications for the Agency.

D. Team members must regularly attend monthly Team meetings between May 2024 and May 2025 and complete the required supplemental activities to accomplish all objectives and fulfill the MOA requirements (e.g., share internal staff language surveys; develop a Plan; present Plan to appropriate officials to secure approval; and support the implementation of the Plan within local government.)

ii. **Communication**:

A. Ensure efficient communications, including but not limited to scheduling meetings to ensure the successful completion of the Events and accomplishment of the Program's objectives.

B. Determine preferred communication methods for both Agency team members and Community team members to encourage inclusive communication.

C. Create a dedicated web page to share regular updates on Team progress, translated into at least one community language. This dedicated space for updates should be created as soon as possible after the Team is assembled.

iii. **Survey:** Disseminate a survey to all Agency departments to assess multilingual communication capacity. University will assist with collection and analysis of responses.

iv. **Plan and Implementation**:

A. Develop a draft Plan by November 15, 2024.

B. Finalize the Plan by January 3, 2025.

C. Schedule a presentation to approving council and/or local government authority and secure approval for the Plan by February

1, 2025.

D. Implement at least one (1) recommendation from the Plan by April 1, 2025.

v. **Costs of MOA**: Unless otherwise stated in the MOA, Agency is responsible for all costs associated with its responsibilities.

c. **Community**:

i. **Participation**:

A. Identify a dedicated group of at least two (2) staff members to participate on the Team, so that at least one (1) member can regularly attend monthly Team meetings between May 2024 and May 2025.

B. Team member(s) must prepare all required materials in advance of each Event and complete supplemental activities to accomplish all objectives and fulfill the MOA requirements (e.g., support local government Team members with drafting of Plan; present Plan to appropriate officials to secure approval; and support the implementation of Plans within local government and in the community, as appropriate.)

C. Assist with community outreach and convene community members as needed to accomplish Team objectives. This includes creating a BIC stakeholder committee comprised of people who live and/or work in Kannapolis to assist with survey data collection and attend Program meetings between May 2024 and May 2025.

D. Provide University with Latino Community Strengths and Needs Assessment results for respondents who live in Kannapolis by March 15, 2024.

ii. **Communication**:

A. Ensure efficient communications, including but not limited to scheduling meetings to ensure the successful accomplishment of Team objectives.

B. Share and disseminate Agency information and opportunities to community stakeholders.

iii. **Plan and Implementation**:

A. Ensure at least one staff member attends every Event held between May 2024 and May 2025 to develop the Team's Plan.

B. Contribute to drafting of Plan, to be finalized by January 3, 2025.

C. Support Agency team members in presenting Plan to approving council and/or local government authority.

iv. **Designation**: Continuously maintain a 501(c)(3) designation, in accordance with the Internal Revenue Code.

4. **Compensation**: Both Agency and Community will each receive a total stipend of TWELVE THOUSAND

DOLLARS AND 00/100 ($12,000) during the course of the Program.

a. Agency and Community must submit the following to receive payment(s):
   i. Completed and signed W-9;
   ii. UNC's Direct Deposit Form for Vendors or, in the alternate, the Community may request to receive a check in lieu of direct deposit;
   iii. UNC's Vendor Master File Record Data Form; and
   iv. For Community Only: Proof of 501(c)(3) status.
b. Stipend payments will be disbursed according to the following schedule. Any changes to this schedule will be memorialized in an amendment to the MOA:
   i. **On or about November 1, 2023,** the University will process the first stipend payment of SIX THOUSAND DOLLARS AND 00/100 ($6,000.00) to Community. **On or about March 1, 2024**, the University will process the first stipend payment of $6,000.00 to Agency, for a total payout of TWELVE THOUSAND DOLLARS AND 00/100 ($12,000.00).
   ii. The following conditions must be met by the **Community** to receive the first stipend payment:
      A. Execute this MOA and return it to the University.
      B. Complete all required paperwork to receive stipend payments from the University.
      C. Assemble a core staff Team that will work together to meet Program goals and submit the names, titles, and contact information for each core Team member no later than October 2, 2023.
      D. Assemble a BIC stakeholder committee to disseminate Latino Community Strengths and Needs Assessment in Kannapolis and to participate in regular Program meetings to give recommendations for Plan. Committee members must live and/or work in Kannapolis.
      E. Work in good faith with the University to draft and submit a work plan for completing Program milestones.
      F. The University, Agency, and Community will create a report to track monthly progress toward Program milestones, which is required before receiving second stipend payment.
   iii. The following conditions must be met by the **Agency** to receive the first stipend payment:
      A. Execute this MOA and return it to the University.
      B. Complete all required paperwork to receive stipend payments from the University.
      C. Assemble a core staff Team that will work together to meet Program goals and submit the names, titles, and contact information for each core Team member no later than December 1, 2023.
      D. Disseminate and complete internal Agency staff language capacity survey.
      E. The University, Agency, and Community will create a report to track

monthly progress toward Program milestones, which is required before receiving second stipend payment.

iv. **On or about September 1, 2024,** the University will process the second stipend payment of SIX THOUSAND DOLLARS AND 00/100 ($6,000.00) each to Community and Agency, for a total payout of TWELVE THOUSAND DOLLARS AND 00/100 ($12,000.00).

   A. The funds will pay for the costs associated with completing the Program milestones and drafting a Plan.

   B. Program milestones include but are not limited to convening Team for monthly meetings to determine community needs and workshop language access best practices; communicating with the public about program milestones; and finalizing a Plan to present to City Council (or other local governing authority) for approval.

v. All funds must be applied toward Program costs and cannot include any of the following ineligible expenses:

   A. Alcohol and entertainment
   B. Any expense not directly supporting the Plan
   C. Bad debt
   D. Costs incurred prior to the Effective Date of the MOA
   E. Goods or services for personal use
   F. Equipment or other capital expenses
   G. Indirect costs in excess of 10% of the total budget
   H. Lobbying
   I. Mortgage payments
   J. Any other cost prohibited by the funder.

vi. In addition to all other reporting requirements under this MOA, Community and Agency will submit an annual spending report detailing its use of funds in accordance with University and funding requirements.

c. Agency and Community are each eligible for a one-time grant of up to TWENTY-FIVE THOUSAND DOLLARS AND 00/100 ($25,000.00) to continue implementing the Plan. All of the following conditions must be met to be eligible to receive the one-time grant. Grants are not guaranteed and shall be distributed at the University's sole discretion. All the following conditions must be met to be eligible to receive the one-time grant:

   i. Team members must be present at and participate in all monthly events or coordinate with their respective staff to have a representative attend in their place between May 2024 and May 2025.

   ii. For Agency: Successful completion of an internal language capacity assessment.

   iii. Successful creation of a Plan, including a line-item budget and narrative detailing use of the grant. Budget and narrative should be finalized by March 7, 2025.

   iv. Approval of the Plan by appropriate Agency authorities.

   v. Successful implementation of at least one (1) recommendation from the Plan by April

1, 2025.

5. **Terms and Conditions**: The Parties agree to the following:

   a. **Access to Persons and Records**. During, and after the term hereof during the relevant period required for retention of records by State law (N.C. Gen. Stat. §§ 121-5 and 132-1 *et seq.,* typically five years), the State Auditor and UNC's internal auditors shall have access to persons and records related to this MOA to verify accounts and data affecting fees or performance under this MOA, as provided in N.C. Gen. Stat. § 143-49(9), § 147-64.7. However,if any audit, litigation, or other action arising out of or related in any way to this MOA is commenced before the end of the retention of records period, the records shall be retained for one (1) year after all issues arising out of the action are finally resolved or until the end of the record retentions period, whichever is later.

   b. **Amendments**. This MOA may not be amended orally or by performance. Any amendment, in order to be effective, must be made in written form and signed by duly authorized representatives of each of the Parties.

   c. **Assignment**. This MOA may not be assigned or delegated by any Party without the prior written consent of the other Parties.

   d. **Availability of Funds**. Any and all payments to the Agency and Community shall be dependent upon and subject to the availability of funds granted to UNC for the purpose set forth in this MOA.

   e. **Compliance with Laws**. Each Party shall comply with all laws, ordinances, codes, rules, regulations, policies, and licensing requirements that are applicable to the conduct of its business and performance in accordance with this MOA, including those of federal, state, and local agencies having jurisdiction and/or authority. Notwithstanding the foregoing sentence, Community will maintain its 501(c)(3) designation in accordance with the Internal Revenue Code and will immediately notify UNC and the Agency if such designation is conditioned, restricted, or revoked in any way. If Community's designation is conditioned, restricted, or revoked in any way, UNC may, in its sole discretion, terminate this MOA immediately.

   f. **Confidentiality**. The Parties expressly agree that this MOA is governed by Chapter 132 Public Records of the North Carolina General Statutes. No confidential, protected, or sensitive data governed under applicable federal or State law, including but not limited to HIPAA, FERPA, NC Identity Theft Act, or PCI-DSS shall be shared under this MOA.

   g. **Debarment**. The Parties continually represent they are not currently under sanction, exclusion, or investigation (civil or criminal by a federal or state enforcement, regulatory, administrative, or licensing agency) or otherwise ineligible for federal or state program participation and are not currently listed on North Carolina or any other state or federal debarment databases (e.g., Office of Inspector General and System for Award Management).

   h. **Entire Agreement**. This MOA constitutes the entire agreement between the Parties concerning the subject matter hereof. All prior agreements, discussions, representations, warranties, and covenants are contained herein. There are no warranties, representations, covenants, or agreements, expressed or implied, between the Parties except those set forth in this MOA.

i. **Force Majeure**. No Party shall be deemed to be in default of its obligations hereunder if and so long as it is prevented from performing such obligations as a result of events beyond its reasonable control, including without limitation, fire, flood, power failures, acts or threats of war, acts or threats of terrorism, hostile foreign action, nuclear explosion, riot, strike, civil insurrection, pandemic, epidemic, quarantine, acts or regulations of public or University officials including measures to limit the spread of contagious disease, governmental acts, orders, or restrictions, national, regional, or local emergency, severely inclement weather, interruption or delay or transportation service, earthquake, hurricane, tornado, or other catastrophic natural event or Act of God; provided that such Party uses reasonable efforts, under the circumstances, to promptly notify the other Parties of the cause of such delay and to resume performance as soon as possible in light of the circumstances giving rise to the force majeure event.

j. **Governing Law**. The place of this MOA, its situs and forum, shall be North Carolina, where all matters, whether sounding in contract or tort, relating to its validity, construction, interpretation, and enforcement shall be determined. This MOA is made under and shall be governed and construed in accordance with the laws of the State of North Carolina, without regard to its conflict of laws rules. The exclusive venue for any judicial action or proceeding arising out of or relating to this MOA shall be the state or federal courts located in the State of North Carolina.

k. **Headings and Numbers**. The headings contained herein are not material parts of the Agreement and should not be used to construe the meaning thereof. The singular of any word or phrase shall be read to include the plural and vice-versa.

l. **Indemnification**. The Community shall indemnify, defend, and hold harmless UNC and Agency, their respective trustees, officers, employees, and agents (collectively, "Indemnitees") from and against any and all damages, costs, liabilities, losses, and expenses incurred by Indemnitees arising from or related to (i) this MOA; (ii) a breach of this MOA by the Community; or (iii) any misconduct or acts of negligence by the Community or its employees or agents in the performance of this MOA.

m. **Independent Contractors**. The Parties and their respective employees, officers and executives, and subcontractors, if any, shall be independent contractors and not employees or agents of the University. This Agreement shall not operate as a joint venture, partnership, trust, agency, or any other business relationship.

n. **Insurance.** The Parties shall maintain Worker's Compensation insurance as required by law. Additionally, the Parties shall assess its own risks and maintain, at a minimum, (i) Commercial Liability insurance, and (ii) Automobile Liability coverage, if applicable. Agency and Community shall provide Certificates of Insurance to UNC upon request. Agency is permitted to satisfy the aforementioned insurance requirements by a selfinsured retention and/or excess liability policy.

o. **Non-Discrimination**. The Parties shall not discriminate based on race, religion, sex, age, national origin, disability, or sexual orientation.

p. **Notices and Liaisons**. The following persons shall serve as a liaison and points of contact for issues concerning work under this MOA. The identified persons may be changed at any time by a Party notifying the other Parties in writing; this notice may be provided by e-mail.

q. All notices, unless otherwise stated in the MOA, shall be sent via e-mail and either (i) personal delivery or (ii) delivery by a national courier (e.g., FedEx, UPS, DHL) with tracking service.

FOR UNC:
Dr. Hannah Gill
Associate Director
Institute for the Study of the Americas
CB# 3205, UNC-Chapel Hill
Chapel Hill, NC 27599-3205
919- 962-5453
hgill@email.unc.edu

COPY TO:
The University of North Carolina at Chapel Hill
Office of University Counsel
123 W. Franklin Street
Suite 600A
Chapel Hill, NC 27599
ATTN: Vice Chancellor and General Counsel

FOR AGENCY:

FOR COMMUNITY:

A. **Publicity and Use of Names**.

1) The Agency and Community shall not appropriate or use the existence of this MOA or the names, logos, photographs, images, property, service marks, or trademarks of UNC or the State of North Carolina as a part of any marketing, advertising, endorsement, promotion, or otherwise, without express prior written approval of the University. Requests to use the University's names, logos, photographs, images, property, service marks, or trademarks should

be directed to UNC's Office of Trademarks and Licensing (*http://www.licensing.unc.edu*). If UNC grants express prior written consent to use the University's names, logos, photographs, images, property, service marks, or trademarks, for marketing, advertising, endorsement, promotion, or otherwise, UNC shall have the right to reject any such use proposed by the Supplier which in the University's sole discretion violates UNC's standards of advertising or is inconsistent with UNC's role and reputation as a public institution of higher education.

2) No Party shall use the name and/or logo of the funder, the Blue Cross NC Foundation without its prior written approval. All requests to use the name and/or logo of the Blue Cross NC Foundation shall be made to UNC through the contacts detailed in the NOTICES provision of this MOA.

B. **Record Retention**.Records related to this MOA shall be retained for five (5) years following its expiration or termination for any reason. If any federal or state regulation requires records be retained for a longer period, that retention period shall govern. If any litigation, claim, audit, or other civil or criminal action (collectively, "Actions") related to performance under this MOA commences before the retention period has completed, all records relevant to the Actions must be maintained until the Actions are resolved.

C. **Severability**. In the event that a court of competent jurisdiction holds that a provision or requirement of this MOA violates any applicable law, each such provision or requirement shall be enforced only to the extent it is not in violation of law or is not otherwise unenforceable and all other provisions and requirements of this MOA shall remain in full force and effect. All promises, requirement, terms, conditions, provisions, representations, guarantees, and warranties contained herein shall survive the expiration or termination date unless specifically provided otherwise herein, or unless superseded by applicable federal or State statute, including statutes of repose or limitation.

D. **Sovereign Immunity.** Notwithstanding any other term or provision in this MOA, nothing herein is intended nor shall be interpreted as waiving any claim or defense based on the principle of sovereign immunity or other State or federal constitutional provision or principle that otherwise would be available to UNC under applicable law.

E. **Subcontracting**. The Community may subcontract performance of this MOA to third parties only with the express prior written consent of the University. Community remains solely responsible for the performance of its subcontractors. Subcontractors, if any, shall adhere to the same obligations and standards required of Community under this MOA, and the terms and conditions of this MOA shall be specifically incorporated into any agreements with subcontractors relating thereto.

F. **Survival**. All promises, requirements, terms, conditions, provisions, representations, guarantees, and warranties contained herein that by their sense and context are intended to survive the contract expiration or termination date shall so survive, unless specifically provided otherwise herein, or unless superseded by applicable Federal or State of North Carolina statutes of limitation.

G. **Suspension.** UNC will have the right to suspend performance of this MOA at any time by providing written notice to the Parties and specifying the dates of the suspension. In the event the MOA is suspended for any reason, UNC, in its sole discretion, shall determine if any dollars are owed to the other Parties or, in the alternate, if any dollars are owed to UNC from the other Parties as of the date of the suspension.

H. **Termination.**

1) **Termination for Convenience**. At any time during the Term, any Party may terminate the MOA by giving the other Parties thirty (30) days prior written notice.

2) **Termination for Cause.**

a. If the Agency and/or Community fail to fulfill any of its obligations under this MOA ("Breach"), UNC will provide written notice of the Breach to the Parties with an opportunity to cure by a date certain.

b. If the Breaching Party has not cured the Breach in accordance with the written notice and the date specified, UNC shall have the right to terminate the MOA. Termination will be provided in writing and specify the date of termination.

3) **Mutual Termination**. At any time during the Term of this MOA, the Parties may mutually agree to terminate.

4) **Effect of Termination**. If the MOA is terminated for any reason, UNC, in its sole discretion, shall determine if any dollars are owed to the Community or Agency from UNC or if a refund is owed from the Community or Agency to UNC. UNC will provide notice of payment owed or refund due to the applicable Party. Dollars owed to the Community or Agency from UNC or dollars owed to UNC from the Community or Agency will be paid within thirty (30) days of the date of UNC's notice to the Community or Agency.

I. **Waiver**. Notwithstanding any other language or provision in this MOA, nothing is intended or shall be interpreted as a waiver of any right, remedy, default, or breach otherwise available to UNC. A waiver of any right, remedy, default, or breach on any one occasion or instance shall not constitute or be interpreted as a waiver of that or any other right or remedy on any other occasion or instance.

SIGNATURE PAGE IMMEDIATELY FOLLOWS.

6. **Execution**: This MOA is accepted and agreed to by each Party, as indicated by the signature of each Party's authorized representative below.

THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL

By: ______________________________

Printed Name: ______________________________

Title: ______________________________

Date: ______________________________

NAME OF AGENCY:

By: ______________________________

Printed Name: ______________________________

Title: ______________________________

Date: ______________________________

NAME OF COMMUNITY:

By: ______________________________

Printed Name: ______________________________

Title: ______________________________

Date: ______________________________

ORDINANCE AMENDING BUDGET FOR THE CITY OF KANNAPOLIS, NORTH CAROLINA FOR THE FISCAL YEAR BEGINNING JULY 1, 2023, AND ENDING JUNE 30, 2024
Amendment # 24-18

BE IT ORDAINED by the City Council of the City of Kannapolis, North Carolina meeting in open session this 25th day of September 2023, that the following amendment to the Budget Ordinance for the City of Kannapolis, North Carolina for the Fiscal Year beginning July 1, 2023, and ending June 30, 2024, is hereby adopted:

Description: This budget amendment budgets for a $12,000 UNC grant received that will be utilized to work with Camino and UNC to develop a plan for engaging the Latino community.

SECTION I – GENERAL FUND

Revenue:	Increase: Private Grant Revenue: 10000-34800	$12,000
Expense:	Increase: Recruitment Initiatives Revenue: 11115-43415	$12,000

This ordinance is approved and adopted this 25th day of September 2023.

____
Milton D. Hinnant, Mayor

ATTEST:

____
Bridgette Bell, MMC, NCCMC
City Clerk

Agenda Item: F.H

Kannapolis City Council

City Council Agenda Staff Report
September 25, 2023

To:	Mayor and City Council
From:	Kristin Jones, Assistant to the City Manager
Subject:	**BUDGET ORDINANCE -** FY 24 CDBG and HOME Funding

Action Requested by City Council

Approve the Budget Ordinances that establish the project funds for the FY 2024 CDBG program funding allotment and FY 2024 HOME program funding allotment.

Required Votes to Pass Required Action

Majority Present at Meeting

Background

Each year the City must present within its Annual Action Plan submitted to HUD a defined work program for funding. The public hearing was held on April 24, 2023, and the Annual Action Plan was initially approved.

The City expects to receive $397,437 in CDBG funds in Fiscal Year 2023-2024 (July 1, 2023 - June 30, 2024). It is recommended that the following activities be undertaken with the FY 2023-24 funds.

Proposed Expenditures:

Urgent Repair	$259,950
Non-profit Partnerships	$58,000
General Admin/Fair Housing	$79,487
TOTAL	**$397,437**

The City expects to receive $188,573 in HOME Funds in Fiscal Year 2023-2024. It is recommended the following activities be undertaken with the FY 2023-2024 funds.

Proposed Expenditures:

Homeowner Rehab	$179,022
General Administration	$9,571
TOTAL	**$188,573**

Fiscal Implications

The attached budget ordinances set up the project ordinances for the FY 24 CDBG funding allotment and FY 24 HOME funding allotment

Policy Issues

None.

Legal Issues
None.

Recommendations and Alternate Courses of Action

1. **Motion to approve the budget ordinances that establish the project funds for the FY 2024 CDBG program funding allotment and FY 2024 HOME program funding allotment (Recommended).**
2. Do not approve the budget ordinance.
3. Table to a future meeting.

Attachments
1. CDBG-24
2. HOM24

CITY OF KANNAPOLIS, NORTH CAROLINA
COMMUNITY DEVELOPMENT BLOCK GRANT ENTITLEMENT PROGRAM
FY 2023-2024

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-20-MC-37-0017 between the City and the U.S. Department of Housing and Urban Development (HUD). The project more familiarly known as the 2023-24 Community Development Block Program.

Section 2. The City Manager is hereby directed to proceed with the Project 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:
75000-33400-CDBX

Total Revenues:	**$397,437**

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

75000-51965-CDBX: Urgent Repair	$259,950
75000-51945-CDBX: Non-Profit Partnerships	$58,000
75000-51910-CDBX: General Admin/Fair Housing	$79,487
Total Expenditures:	**$397,437**

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 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 25th day of September 2023.

____
Milton D. Hinnant, Mayor

ATTEST:

____
Bridgette Bell, MMC, NCCMC
City Clerk

CITY OF KANNAPOLIS, NORTH CAROLINA
HOME CONSORTIUM GRANT PROGRAM PROJECT BUDGET ORDINANCE
FY 2023-2024

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 2023-2024 Consortium Home Program.

Section 2. The City Manager is hereby directed to proceed with the Project 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:

75000-33300-HOMX: HOME Program Grant	$188,573
Total Revenues:	**$188,573**

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

75000-51950-HOMX: Homeowner Rehab	$179,022
75000-51910-HOMX: General Administration	$9,571
Total Expenditures:	**$188,573**

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 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 25th day of September 2023.

____
Milton D. Hinnant, Mayor

ATTEST:

____
Bridgette Bell, MMC, NCCMC
City Clerk

Agenda Item: F.I

Kannapolis City Council

City Council Agenda Staff Report
September 25, 2023

To: Mayor and City Council

From: Heather James, Human Resources Director

Subject: **RESOLUTION -** Authorizing Human Resources Director to Execute Pre-Audit Certificates

Action Requested by City Council

Motion to approve Resolution authorizing the Human Resource Director to execute Pre-Audit Certificates

Required Votes to Pass Required Action

Majority Present at Meeting

Background

As the City continues to improve process efficiencies, the City Manager would like to delegate approvals and pre-audit requirements to the HR Director in a limited scope. While this pre-audit authorization is limited in scope, it allows approval for personnel transactions and other human resources obligations that are within the personnel policy, such as merit increases (based on departmental recommendations), cost-of-living adjustments, etc. Anything that is not allowed by the personnel policy would require authorization from the City Manager. North Carolina G.S. 159-28 (a) authorizes the Governing Board to grant this pre-audit authority to the deputy finance officer.

Fiscal Implications

None.

Policy Issues

None

Legal Issues

None

Recommendations and Alternate Courses of Action

1. **Motion to approve Resolution authorizing the Human Resources Director to execute Pre-Audit Certificates (Recommended).**
2. Do not approve Resolution
3. Defer action to a future meeting.

Attachments

1. Pre-Audit HR Director

RESOLUTION AUTHORIZING HUMAN RESOURCES DIRECTOR TO EXECUTE PRE-AUDIT CERTIFICATES

WHEREAS, the City of Kannapolis desires that the Human Resources Director be designated as a Deputy Finance Director in order to execute pre-audit certificates for personnel transactions and other human resource obligations only; and

WHEREAS, North Carolina G.S. 159-28 (a) authorizes the Governing Board to grant this authority to a deputy finance officer; and

WHEREAS, the Human Resources Director executes pre-audit certificates as necessary to conduct business in the City of Kannapolis Human Resources Department. The Deputy Finance Director must follow finance related processes/procedures in carrying out the pre-audit duties. The Deputy Finance Director will ensure that there is a budget appropriation, ensure that sufficient monies remain in the appropriation, and affix their signature to the pre-audit certificate. The Deputy Finance Director can be held legally liable for any amounts obligated or disbursed improperly.

NOW THEREFORE BE IT RESOLVED by the City of Kannapolis that the Human Resources Director is hereby authorized to execute pre-audit certificates for documents as limited above.

Adopted this 25th day of September 2023.

____
Milton D. Hinnant
Mayor

ATTEST:

____
Bridgette Bell, MMC, NCCMC
City Clerk

Agenda Item: G.A

Kannapolis City Council

City Council Agenda Staff Report
September 25, 2023

To: Mayor and City Council

From: Sherry Gordon, Community Development Program Administrator

Subject: **PUBLIC HEARING** - FY 2022-2023 Consolidated Annual Performance and Evaluation Report (CAPER)

Action Requested by City Council

Conduct a Public Hearing for the FY2022-2023 Consolidated Annual Performance and Evaluation Report (CAPER) and Motion to submit the CAPER to the U.S. Department of Housing & Urban Development (HUD) by September 28, 2023

Required Votes to Pass Required Action

Majority Present at Meeting

Background

Each year the City must prepare a written summary of the previous year's activities and accomplishments for our CDBG Entitlement program. This report provides details on how the programs funds met HUD's national objectives of serving the needs of low income residents, as well as how the activities helped meet the goals as detailed in the City's Consolidated Plan. Citizen input is required.

The report has been made available for public inspection at the City Administrative Office, 401 Laureate Way and on the website. A public hearing before Council is also required prior to submitting the report to HUD. The public hearing has been duly advertised.

During FY 2022-23, the City was awarded $376,986 in CDBG funds and expended $312,444. $224,094 was awarded in HOME funds and $240,495 was expended. (unexpended prior year funds included) Any program income generated was expended before award allocations.

Highlights of the year's activities include the following achievements:

CDBG
CDBG Public Services -$51,500
The City partnered with 15 local nonprofit agencies to provide public services for Kannapolis residents.

Urgent Repairs - $106,548
The City provided urgent repairs to 17 homeowners to assist in maintaining a safe, habitable dwelling.

Infrastructure - $79,396
Playground equipment for McKnight Head Start program and preliminary work towards Jackson Park sidewalk.

Program Administration - $75,000
The City administered overall compliance with all HUD regulations and guidelines regarding the use of funds.

HOME
Homeowner New Construction - $60,000
The City partnered with Habitat Cabarrus to construct two new single-family dwellings.

Homeowner Rehab - $180,495
The City provided complete rehab for two low-income homeowners.

Fiscal Implications
None

Policy Issues
None

Legal Issues
None

Recommendations and Alternate Courses of Action

1. **Motion to approve and submit to the U.S. Department of Housing & Urban Development by September 28, 2023 (Recommended)**
2. Do not approve
3. Defer action to future meeting

Attachments
1. FY22 CAPER AD
2. DRAFT CAPER

KANNAPOLIS

NOTICE OF PUBLIC HEARING

The Kannapolis City Council will hold a public hearing on Monday, September 25, 2023 at 6:00 p.m. (as soon thereafter as the matter may be heard) in the Kannapolis Administrative Bldg, 401 Laureate Way, Kannapolis, NC. The purpose of this hearing is to receive citizens comments and questions on the use of Fiscal Year 2022-2023 Community Development Block Grant (CDBG) & HOME funds from the US Department of Housing and Urban Development (HUD).

Copies of this Report are available for public inspection at the following location: City of Kannapolis Administrative Bldg., 401 Laureate Way, Kannapolis, NC and from the City's website: www.kannapolisnc.gov

All interested persons are invited to attend this hearing. Persons with disabilities, non-English speaking persons or anyone who needs assistance to participate in this public hearing should notify the Kannapolis Human Resource Director at (704) 920-4302 at least forty-eight (48) hours prior to the meeting, or call the North Carolina Relay Number for the Deaf at 1-800-735-8262.

U.S. Department of Housing and Urban Development

EEOC U.S. Equal Employment Opportunity Commission

EQUAL HOUSING OPPORTUNITY

PUBLICATION DIRECTIONS

Publish in Non-Legal section only with black border.

Please use all logos!

Please publish by September 10, 2023.

Mail invoice and affidavit of publication to the following address:
City of Kannapolis
CDBG Program
401 Laureate Way
Kannapolis, NC 28081
Attn: Sherry Gordon
(704) 920-4332

CR-05 - Goals and Outcomes

Progress the jurisdiction has made in carrying out its strategic plan and its action plan. 91.520(a)

This could be an overview that includes major initiatives and highlights that were proposed and executed throughout the program year.

The City of Kannapolis continues to make progress toward meeting FY 2022-23 program goals. We continue to work with community partners to expand housing options for homeless persons; increase the supply of affordable housing stock; improve condition of existing housing stock; increase homeownership opportunities; address and reduce barriers to affordable housing; increase the inventory of lead safe housing units; eliminating blight in neighborhoods; support the creation of jobs accessible to low and moderate income residents; support of expansion of education and training opportunities as well as encouraging the expansion of programs to help low/mod income residents build wealth and improve credit.

Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)

Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee's program year goals.

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected – Strategic Plan	Actual – Strategic Plan	Percent Complete	Expected – Program Year	Actual – Program Year	Percent Complete
Improve & strengthen neighborhoods	Non-Housing Community Development	CDBG: $	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	50	0	0.00%			

Improve & strengthen neighborhoods	Non-Housing Community Development	CDBG: $	Public Facility or Infrastructure Activities for Low/Moderate Income Housing Benefit	Households Assisted	50	0	0.00%			
Improve & strengthen neighborhoods	Non-Housing Community Development	CDBG: $	Buildings Demolished	Buildings	10	0	0.00%			
Improve & strengthen neighborhoods	Non-Housing Community Development	CDBG: $	Housing Code Enforcement/Foreclosed Property Care	Household Housing Unit	5	0	0.00%	2	0	0.00%
Prevent & address homelessness	Affordable Housing Public Housing Homeless Non-Homeless Special Needs	CDBG: $ / HOME Funds: $	Public Facility or Infrastructure Activities for Low/Moderate Income Housing Benefit	Households Assisted	50	0	0.00%			
Prevent & address homelessness	Affordable Housing Public Housing Homeless Non-Homeless Special Needs	CDBG: $ / HOME Funds: $	Homeless Person Overnight Shelter	Persons Assisted	0	0		20	0	0.00%

Prevent & address homelessness	Affordable Housing Public Housing Homeless Non-Homeless Special Needs	CDBG: $ / HOME Funds: $	Overnight/Emergency Shelter/Transitional Housing Beds added	Beds	5	0	0.00%			
Prevent & address homelessness	Affordable Housing Public Housing Homeless Non-Homeless Special Needs	CDBG: $ / HOME Funds: $	Homelessness Prevention	Persons Assisted	50	0	0.00%	30	0	0.00%
Promote self-sufficient & community development	Non-Housing Community Development	CDBG: $	Public service activities for Low/Moderate Income Housing Benefit	Households Assisted	200	0	0.00%			
Promote self-sufficient & community development	Non-Housing Community Development	CDBG: $	Facade treatment/business building rehabilitation	Business	0	0		100	0	0.00%
Provide decent & affordable housing	Affordable Housing	CDBG: $ / HOME Funds: $	Public service activities for Low/Moderate Income Housing Benefit	Households Assisted	20	0	0.00%			

Provide decent & affordable housing	Affordable Housing	CDBG: $ / HOME Funds: $	Homeowner Housing Added	Household Housing Unit	2	0	0.00%			
Provide decent & affordable housing	Affordable Housing	CDBG: $ / HOME Funds: $	Homeowner Housing Rehabilitated	Household Housing Unit	5	13	260.00%	15	13	86.67%
Provide decent & affordable housing	Affordable Housing	CDBG: $ / HOME Funds: $	Direct Financial Assistance to Homebuyers	Households Assisted	6	0	0.00%			
Provide decent & affordable housing	Affordable Housing	CDBG: $ / HOME Funds: $	Homeless Person Overnight Shelter	Persons Assisted	5	0	0.00%			
Provide decent & affordable housing	Affordable Housing	CDBG: $ / HOME Funds: $	Homelessness Prevention	Persons Assisted	20	0	0.00%			

Table 1 - Accomplishments – Program Year & Strategic Plan to Date

Assess how the jurisdiction’s use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan,

giving special attention to the highest priority activities identified.

During the FY 2022-23 CDBG activities were conducted in accordance with the priority goals and objectives identified in our Consolidated Plan. Funds were distributed to 15 non-profit agencies provided public services to Kannapolis residents; Seventeen (17) homeowners were assisted with urgent repairs utilizing CDBG funds. Roofs, plumbing repairs and inoperable HVAC systems were replaced along with the installation of handicap ramps. HOME funds were also used to provide complete house rehabilitation for one homeowner and assist Habitat for Humanity Cabarrus with constructing twonew single-family dwelling for a family on waiting list.

CR-10 - Racial and Ethnic composition of families assisted

Describe the families assisted (including the racial and ethnic status of families assisted). 91.520(a)

	CDBG
White	5,475
Black or African American	3,098
Asian	373
American Indian or American Native	14
Native Hawaiian or Other Pacific Islander	0
Total	**8,960**
Hispanic	1,963
Not Hispanic	6,997

Table 2 – Table of assistance to racial and ethnic populations by source of funds

Narrative

The City utilizes CDBG funds to meet the needs of low/moderate income communities by partnering with nonprofit agencies providing services to Kannapolis residents. The clients served are made of a broad range of races and ethnicities.

CR-15 - Resources and Investments 91.520(a)

Identify the resources made available

Source of Funds	Source	Resources Made Available	Amount Expended During Program Year
CDBG	public - federal	376,986	313,444
Other	public - federal	0	
Other	public - state	0	

Table 3 - Resources Made Available

Narrative

Identify the geographic distribution and location of investments

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description

Table 4 – Identify the geographic distribution and location of investments

Narrative

Leveraging

Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

The needs of the City's residents are greater than its resources. The City does make an effort to seek other sources of funding for its community development efforts. All of the agenices receiving funds for public service activities receive the vast majority of their funding from other sources, thereby leveraging funds received by the City.
Part of the 25% match requirement of the HOME Program is provided by partnership with Habitat for Humanity and Cooperative Christian Ministry, where volunteers and in-kind donations are used to repair and rehab homes in conjunction with HOME funds.

CR-20 - Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.

	One-Year Goal	Actual
Number of Homeless households to be provided affordable housing units	0	0
Number of Non-Homeless households to be provided affordable housing units	0	0
Number of Special-Needs households to be provided affordable housing units	0	0
Total	**0**	**0**

Table 5 – Number of Households

	One-Year Goal	Actual
Number of households supported through Rental Assistance	0	0
Number of households supported through The Production of New Units	0	0
Number of households supported through Rehab of Existing Units	0	0
Number of households supported through Acquisition of Existing Units	0	0
Total	**0**	**0**

Table 6 – Number of Households Supported

Discuss the difference between goals and outcomes and problems encountered in meeting these goals.

The City provided rehab assistance to two homeowners utilitizing HOME funds but only one of those was completed by June 30, 2023. Seventeen homeowners were assisted utilizing CDBG urgent repair funds.

Discuss how these outcomes will impact future annual action plans.

Future goals should be met as production and supply issues improve within the economy.

Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.

Number of Households Served	CDBG Actual	HOME Actual
Extremely Low-income	0	0
Low-income	66	0
Moderate-income	3	0
Total	**69**	**0**

Table 7 – Number of Households Served

Narrative Information

CDBG funds were utilized to provide urgent repairs to homeowners in turn providing a safe and habitable environment.

CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)

Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The City is a member of the Piedmont Regional Continuum of Care Consortium, made up on agencies and local governments in Union, Stanly, Cabarrus, Rowan and Davidson Counties. The PRCoC is a collaborative effort among stakeholders to reduce and eliminate homelessness. They assess housing needs and work collaboratively with HUD and North Carolina State, County and City agencies to secure grants and request funding to develop affordable housing opportunities for the chronically homeless throughout the five-county area.
City staff also serve on the Cabarrus County Homelessness Task Force group which was organized by Cooperative Christian Ministries. The group meets quarterly to review updates on factors affecting homelessness, collaborative opportunities in the community and progress at local level.

Addressing the emergency shelter and transitional housing needs of homeless persons

The City partners with Cooperative Christian Ministry in the teaching house transitional housing program to provide a way for families to move out of homelessness and towards a more stable housing financial footing. The City currently owns (6) houses. All of these houses are being leased to Cooperative Christian Ministry for a transitional housing program for the homeless.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

The City's non-profit partners are key in the prevention of homelessness. Cooperative Christian Ministry provides financial assistane for rent and utilities as well as a food pantry. Prosperity Unlimited and Habitat for Humanity provide financial literacy education and foreclosure prevention counseling. Salisbury-Rowan Community Action Agency is another partner that provides services for individuals, children and families to enhance their quality of life and promote opportunities for self-sufficiency. The school system provide referrals and some assistance to families at imminent risk of homelessness for individuals who are being discharged from institutions and systems of care, there are some specialized services to assist these individuals. These support organizations include the Cabarrus County Criminal Justice Partnership Program, the Employment Security Commission's Offender

Specialist to help with job seeking, Cardinal Innovations for mental health, Rowan-Cabarrus Community College for workforce training programs for offenders and its R3 Career Center (has programs for those with a criminal record), Serenity House in Concord, and the McLeod Addictive Disease Center (located in Charlotte works with youth offenders, addicts).

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The City will continue to support agencies that address homelessness issues in conjunction with the Continuum of Care and the 10 year Plan to End Homelessness.

CR-30 - Public Housing 91.220(h); 91.320(j)

Actions taken to address the needs of public housing

The City does not have a public housing authority within the city limits. However, the City is served by the Rowan Housing Authority for public housing and Section 8 program services as well as the City of Concord Housing Authority.

Actions taken to encourage public housing residents to become more involved in management and participate in homeownership

The City of Concord Housing Authority as well as the Rowan County Housing Authority Administrators encourage and develop self-sufficiency in public housing residents and Section 8 recipients.

Actions taken to provide assistance to troubled PHAs

No action taken or needed as neither the City of Concord Housing Authority nor the Rowan Housing Authority are considered "troubled".

CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j); 91.320 (i)

There may be instances where public policy will adversely affect a group but there are not any policies that we are aware of or have been reported to us that place limits on growth and adversely affect the return on residential investment.

Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)

The City has identified economic development diversity in the local economy and creating new jobs as a primary goal by supporting local businesses, encouraging entrepreneurship and making business more affordable through incentives and business friendly policies. Most Kannapolis residents are more able to meet their basic needs when they are fully and securely employed. One aspect of this goal is to create the most positive living environment to help attract and retain businesses and industries. The City proactively recruits businesses to the community to provide jobs for our residents.

Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)

The City will continue its efforts to reduce the number of housing units containing lead-based paint hazards in order to increase the inventory of lead safe housing available to the low-income population. The City requires lead tests on all units scheduled for rehabilitation that were built prior to 1978 and includes the lead abatement work as part of the scope of services completed by the contractor.
The City will increase access to housing without LBP hazards by participating in the construction of new housing units affordable to low-income households. These include low-income housing tax credit projects as well as single family construction.

Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)

The City views its Consolidated Plan and Action Plans as its anti-poverty strategy. Funds are used to the benefit of low and moderate income citizens in effort to increase wealth and quality of life. Creating and building individual and family wealth is a goal of the City's CDBG and HOME programs. Housing counseling continues to be an important asset for low and moderate income residents to receive the one-on-one help necessary to address issues such as homeownership, credit issues, mortgage default, home equity conversion mortgages, fair housing, rental assistance and emergency shelter needs. This activity is coupled with expanded programs for new affordable housing production available for low and moderate income buyers and renters. Whenever available, Individual Development Account (IDA) funds will be sought to assist in helping to alleviate poverty build personal wealth and financial stability. The City, through its partnership with Prosperity Unlimited, Inc., assisted with providing the full array of

housing counseling services to its citizens.
The City's partnership with Cooperative Christian Ministry and Salisbury Rowan Community Action in transitional housing programs provides a way for families to move out of homelessness and towards a more stable housing and financial footing.

Actions taken to develop institutional structure. 91.220(k); 91.320(j)

The City continues its effort to encourage new organizations or existing organizations with new programs to apply for public service activity funding, by setting aside a portion of funds specifically for these applicants. The City would like to assist in providing the start-up funds needed to establish new programs that benefit the Kannapolis community.
The Mayor and City Council make the decisions about the City's community development activities and funding, with guidance from the general public and the Community Improvement Commission (CIC). The CIC is a 9-member group of citizens appointed by City Council to provide input to the community development program, review annual plans, CAPERs, and other documents, and provide recommendations about funding for public service activities and recently added the review of Code Enforcement demolition cases.

Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)

The partnerships that the City has with the HOME Consortium and local housing agencies allows more affordable housing units to be available for lower wealth residents. As resources continue to shrink we continue to leverage funds in order to be able to serve more families. Continued funding, referral cooperation, data and advocacy will help enhance the coordination among social service agencies to address both housing and non-housing needs.

Identify actions taken to overcome the effects of any impediments identified in the jurisdictions analysis of impediments to fair housing choice. 91.520(a)

The City in partnership with other agencies and organizations will both implement and support programs that help address the physical and human development needs of the low to moderate income communities. These development efforts will help eliminate and mitigate the barriers to affordable housing.
This includes and is not limited to: provide and assist in construction, rehabilitation and planning of low to moderate income housing; continue to support non-profits to assist in human development while providing educational and training needed to work toward securing available social economic opportunities; provide and assist in down payment assistance programs; workforce development programs and financial management programs; plan for and assist non-profit agencies offering homebuyer counseling and educational programs.

CR-40 - Monitoring 91.220 and 91.230

Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

The City of Kannapolis takes very seriously the need for program compliance and monitoring. In addition to annual monitoring visits with its subgrantees, the City also ensures compliance through frequent communication with subgrantees throughout the project period. This is done through written, telephone, and in-person communications. At the beginning of each fiscal year, the City conducts training for the non-profits that are receiving funding for public services so that they understand the reporting and documentation requirements. Sub-grantees submit reports throughout the year on project progress and are required to provide documentation with any reimbursement request.
The other primary tool used in monitoring subgrantees is the written agreement/contract between the City and the subgrantee. The contract serves as a binding document that specifies the responsibilities of each party, and the City uses the contracts as a way to ensure that HUD program rules are being followed and that the City is attaining its goals. Each contract outlines roles and responsibilities, timelines, funding, and default provisions. Each year, the City reviews its contracts with subgrantees to determine provisions or language within the contracts that should be strengthened.

Citizen Participation Plan 91.105(d); 91.115(d)

Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.

Federal regulations require the CAPER to be submitted to HUD no later than 90 days after the end of the fiscal year. The draft FY 2022-23 CAPER became available for public review and comment on September 25, 2023. A public notice was placed in the Independent Tribune on September 10, 2023 and a public hearing was held on September 25, 2023 at the City Council meeting. The Community Improvement Commission reviewed the plan on August 15, 2023 at regularly scheduled public meeting.
Comments were received regarding

CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its

experiences.

No changes.

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

No

[BEDI grantees] Describe accomplishments and program outcomes during the last year.

CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

No changes.

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

No

[BEDI grantees] Describe accomplishments and program outcomes during the last year.

CR-58 – Section 3

Identify the number of individuals assisted and the types of assistance provided

Total Labor Hours	CDBG	HOME	ESG	HOPWA	HTF
Total Number of Activities	0	0	0	0	0
Total Labor Hours					
Total Section 3 Worker Hours					
Total Targeted Section 3 Worker Hours					

Table 8 – Total Labor Hours

Qualitative Efforts - Number of Activities by Program	CDBG	HOME	ESG	HOPWA	HTF
Outreach efforts to generate job applicants who are Public Housing Targeted Workers					
Outreach efforts to generate job applicants who are Other Funding Targeted Workers.					
Direct, on-the job training (including apprenticeships).					
Indirect training such as arranging for, contracting for, or paying tuition for, off-site training.					
Technical assistance to help Section 3 workers compete for jobs (e.g., resume assistance, coaching).					
Outreach efforts to identify and secure bids from Section 3 business concerns.					
Technical assistance to help Section 3 business concerns understand and bid on contracts.					
Division of contracts into smaller jobs to facilitate participation by Section 3 business concerns.					
Provided or connected residents with assistance in seeking employment including: drafting resumes,preparing for interviews, finding job opportunities, connecting residents to job placement services.					
Held one or more job fairs.					
Provided or connected residents with supportive services that can provide direct services or referrals.					
Provided or connected residents with supportive services that provide one or more of the following: work readiness health screenings, interview clothing, uniforms, test fees, transportation.					
Assisted residents with finding child care.					
Assisted residents to apply for, or attend community college or a four year educational institution.					
Assisted residents to apply for, or attend vocational/technical training.					
Assisted residents to obtain financial literacy training and/or coaching.					
Bonding assistance, guaranties, or other efforts to support viable bids from Section 3 business concerns.					
Provided or connected residents with training on computer use or online technologies.					
Promoting the use of a business registry designed to create opportunities for disadvantaged and small businesses.					
Outreach, engagement, or referrals with the state one-stop system, as designed in Section 121(e)(2) of the Workforce Innovation and Opportunity Act.					

Other.					

Table 9 – Qualitative Efforts - Number of Activities by Program

Narrative

Agenda Item: G.B

Kannapolis City Council

City Council Agenda Staff Report
September 25, 2023

To: Mayor and City Council

From: Michael Rattler, Director of Transportation & Environmental Services

Subject: **PUBLIC HEARING -** Alley Right-of-Way Removal from Dedication located at 1100 Pine Street and Review Withdrawal Order

Action Requested by City Council

Conduct a Public Hearing on the intent to Remove from Dedication an unused 10 foot wide alley Right-of-Way located on property of West Point Baptist Church (PIN 5614109344 and 5614106276) and Consider approval of an Order to close.

Required Votes to Pass Required Action

Majority Present at Meeting

Background

The owner of the property, Trustees of West Point Baptist Church, has requested to have the alley removed from dedication as an alley right-of-way. The 10 foot wide alley on the property is not in use as an alley. All necessary documentation has been received. Staff review finds no reason to deny the request for withdrawal.

Provided there is no evidence given at the Public Hearing that removing from dedication of the alley right-of-way at 1100 Pine Street is contrary to the public interest, it is recommended that City Council approve the Order to Close.

Fiscal Implications

None

Policy Issues

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

Legal Issues

None

Recommendations and Alternate Courses of Action

1. **Approve the Order to Remove from Dedication used Alley Rights-of-way located on property of West Point Baptist Church, 1100 Pine St. (Recommended)**
2. Deny approval of the Order.
3. Table action to a future meeting.

Attachments

1. 1100 pine alley closure petition
2. 1100 pine alley closure map 2

3. 1100 pine alley closure map 1
4. 1100 pine alley closure map 3
5. St Closing Procedures
6. Order to Close 1100 Pine Street Alley R-O-W

KANNAPOLIS

PETITION FOR STREET OR ALLEY CLOSURE

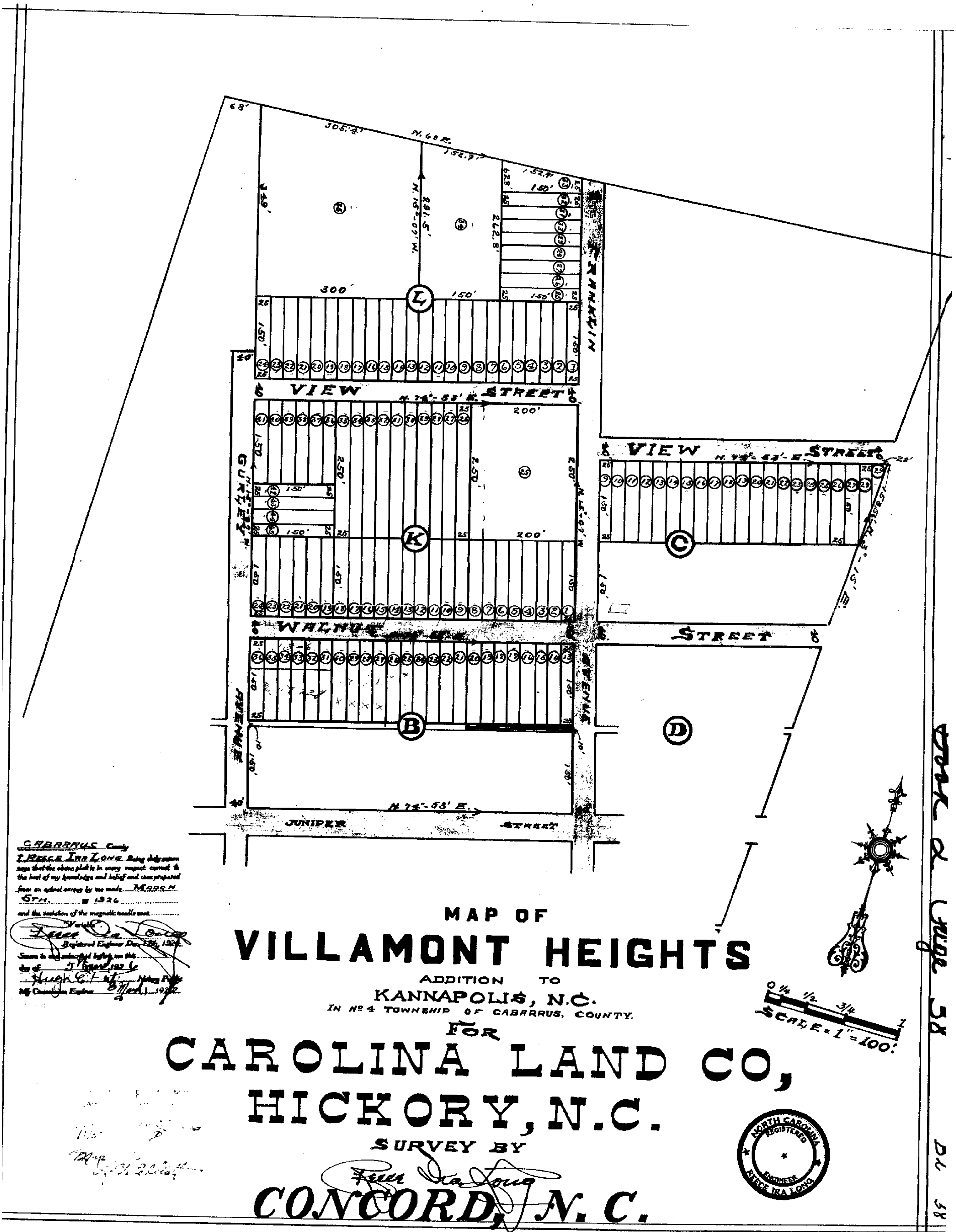
We, the property owners abutting the alley or street located at (please describe) 1100 PINE ST, KANNAPOLIS, NC AT FRANKLIN ST.

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

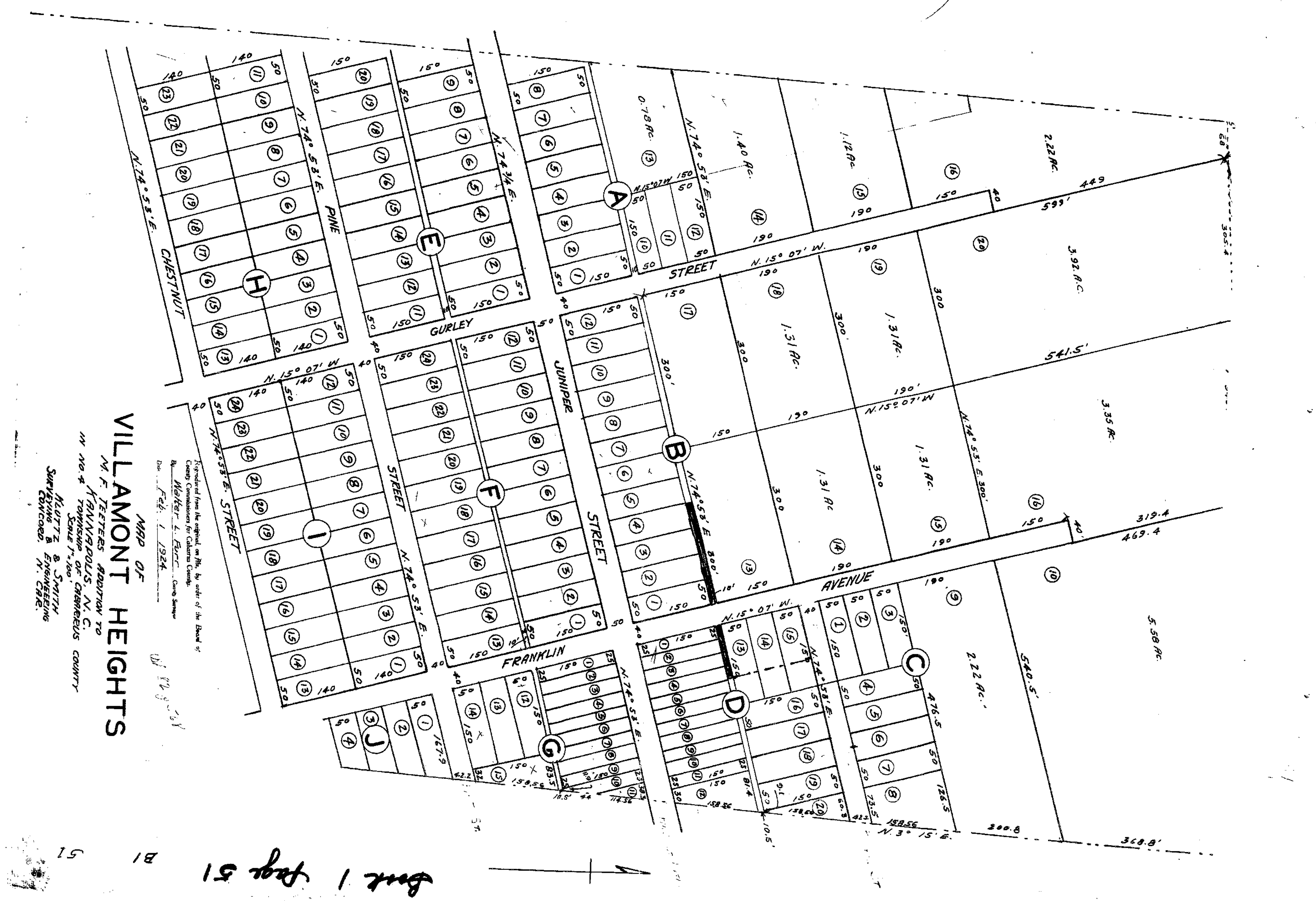
NAME	ADDRESS	PHONE	SIGNATURE
WEST POINT BAPTIST CHURCH	1100 PINE ST. KANNAPOLIS, NC	704-933-2631	TRUSTEES:
			Ron Jones RON JONES
			Jerry Eudy JERRY EUDY
			Mel Thompson MEL THOMPSON

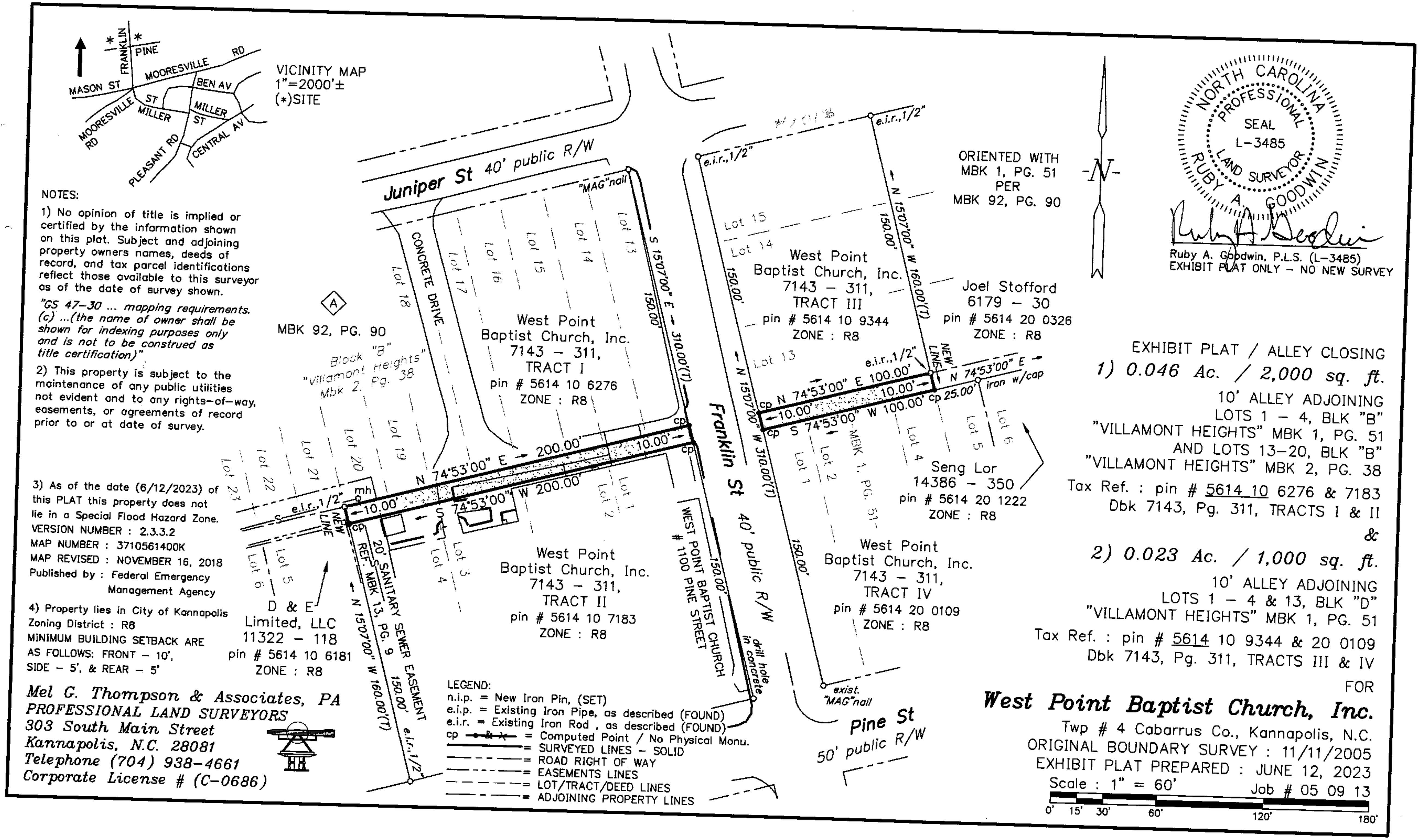
RETURN TO: City of Kannapolis
Attn: ~~Anita Thacker~~, Public Works Dept.
401 Laureate Way
Kannapolis, NC 28081

Revised 04/2019



MAP OF
VILLAMONT HEIGHTS
ADDITION TO
KANNAPOLIS, N.C.
IN Nº 4 TOWNSHIP OF CABARRUS, COUNTY.
FOR
CAROLINA LAND CO,
HICKORY, N.C.
SURVEY BY
CONCORD, N.C.
VIEW STREET
WALNUT
STREET
JUNIPER STREET
AVENUE
GURLEY
RANKIN
N. 74°-53' E.
N. 68 E.
N. 15°-07' W.
SCALE = 1" = 100'
CABARRUS County
I, REECE IRA LONG being duly sworn says that the above plat is in every respect correct to the best of my knowledge and belief and was prepared from an actual survey by me made MARCH 5TH. 1926
and the variation of the magnetic needle was
Registered Engineer
Sworn to and subscribed before me this
Hugh E. Fat
Notary Public
My Commission Expires
NORTH CAROLINA REGISTERED ENGINEER REECE IRA LONG
Book 2 Page 58


MAP OF
VILLAMONT HEIGHTS
N. F. YEETERS ADDITION TO
KANNAPOLIS, N.C.
IN NO. 4 TOWNSHIP OF CABARRUS COUNTY
SCALE 1" = 100'
NLUTTZ & SMITH
SURVEYING & ENGINEERING
CONCORD, N. CAR.
Reproduced from the original, on file, by order of the Board of County Commissioners for Cabarrus County.
By Walter L. Furr County Surveyor
Date Feb. 1 1924
CHESTNUT
PINE
GURLEY
STREET
JUNIPER STREET
AVENUE
FRANKLIN
N. 74° 53' E. STREET
N. 15° 07' W.
Book 1 Page 51


VICINITY MAP
1"=2000'±
(*)SITE
FRANKLIN
PINE
MASON ST
MOORESVILLE RD
BEN AV
MOORESVILLE RD
MILLER ST
PLEASANT RD
CENTRAL AV
NOTES:
1) No opinion of title is implied or certified by the information shown on this plat. Subject and adjoining property owners names, deeds of record, and tax parcel identifications reflect those available to this surveyor as of the date of survey shown.
"GS 47-30 ... mapping requirements. (c) ...(the name of owner shall be shown for indexing purposes only and is not to be construed as title certification)".
2) This property is subject to the maintenance of any public utilities not evident and to any rights-of-way, easements, or agreements of record prior to or at date of survey.
3) As of the date (6/12/2023) of this PLAT this property does not lie in a Special Flood Hazard Zone.
VERSION NUMBER : 2.3.3.2
MAP NUMBER : 3710561400K
MAP REVISED : NOVEMBER 16, 2018
Published by : Federal Emergency Management Agency
4) Property lies in City of Kannapolis Zoning District : R8
MINIMUM BUILDING SETBACK ARE AS FOLLOWS: FRONT - 10', SIDE - 5', & REAR - 5'
Mel G. Thompson & Associates, PA
PROFESSIONAL LAND SURVEYORS
303 South Main Street
Kannapolis, N.C. 28081
Telephone (704) 938-4661
Corporate License # (C-0686)
Juniper St 40' public R/W
MBK 92, PG. 90
Block "B" "Villamont Heights" Mbk 2, Pg. 38
CONCRETE DRIVE
West Point Baptist Church, Inc.
7143 - 311,
TRACT I
pin # 5614 10 6276
ZONE : R8
West Point Baptist Church, Inc.
7143 - 311,
TRACT II
pin # 5614 10 7183
ZONE : R8
D & E Limited, LLC
11322 - 118
pin # 5614 10 6181
ZONE : R8
20' SANITARY SEWER EASEMENT REF. MBK 13, PG. 9
WEST POINT BAPTIST CHURCH # 1100 PINE STREET
Franklin St 40' public R/W
N 74°53'00" E 200.00'
S 74°53'00" W 200.00'
S 15°07'00" E 310.00'(T)
N 15°07'00" W 160.00'(T)
N 15°07'00" W 310.00'(T)
"MAG" nail
e.i.r.,1/2"
drill hole in concrete
West Point Baptist Church, Inc.
7143 - 311,
TRACT III
pin # 5614 10 9344
ZONE : R8
West Point Baptist Church, Inc.
7143 - 311,
TRACT IV
pin # 5614 20 0109
ZONE : R8
Joel Stofford
6179 - 30
pin # 5614 20 0326
ZONE : R8
Seng Lor
14386 - 350
pin # 5614 20 1222
ZONE : R8
N 74°53'00" E 100.00'
S 74°53'00" W 100.00'
N 15°07'00" W 160.00'(T)
iron w/cap
exist. "MAG" nail
Pine St 50' public R/W
ORIENTED WITH MBK 1, PG. 51 PER MBK 92, PG. 90
NORTH CAROLINA PROFESSIONAL SEAL L-3485 LAND SURVEYOR RUBY A. GOODWIN
Ruby A. Goodwin, P.L.S. (L-3485)
EXHIBIT PLAT ONLY - NO NEW SURVEY
EXHIBIT PLAT / ALLEY CLOSING
1) 0.046 Ac. / 2,000 sq. ft.
10' ALLEY ADJOINING LOTS 1 - 4, BLK "B" "VILLAMONT HEIGHTS" MBK 1, PG. 51 AND LOTS 13-20, BLK "B" "VILLAMONT HEIGHTS" MBK 2, PG. 38
Tax Ref. : pin # 5614 10 6276 & 7183
Dbk 7143, Pg. 311, TRACTS I & II
&
2) 0.023 Ac. / 1,000 sq. ft.
10' ALLEY ADJOINING LOTS 1 - 4 & 13, BLK "D" "VILLAMONT HEIGHTS" MBK 1, PG. 51
Tax Ref. : pin # 5614 10 9344 & 20 0109
Dbk 7143, Pg. 311, TRACTS III & IV
FOR
West Point Baptist Church, Inc.
Twp # 4 Cabarrus Co., Kannapolis, N.C.
ORIGINAL BOUNDARY SURVEY : 11/11/2005
EXHIBIT PLAT PREPARED : JUNE 12, 2023
Scale : 1" = 60'
Job # 05 09 13
LEGEND:
n.i.p. = New Iron Pin, (SET)
e.i.p. = Existing Iron Pipe, as described (FOUND)
e.i.r. = Existing Iron Rod , as described (FOUND)
cp = Computed Point / No Physical Monu.
= SURVEYED LINES - SOLID
= ROAD RIGHT OF WAY
= EASEMENTS LINES
= LOT/TRACT/DEED LINES
= ADJOINING PROPERTY LINES

CHECK LIST FOR
STREETS AND ALLEYSPROCEDURE FOR
CLOSING (G.S. 160A-299)
Alley ROW Removal from Dedication
Located at 1100 Pine Street and Review Withdrawal Order

	PROCEDURE	RESPONSIBILITY	
1.	Submission of request to City must include	Property Owners:	Date:
	(a) Letter of request (petition) signed by all property owners abutting street or alley.	(a) City Staff	08-23
	(b) Copy of recorded plat showing original layout or dedication of street or alley	(b) City Staff	08-23
	(c) Registered land surveyors' plat of recent survey of portion of street to be closed on legal size drawing, suitable for recording.	(c) City Staff	08-23
	d) Non-refundable application fee of $300.00	(d) City Staff	08-23
2.	Review and recommendation to City Manager by Legal, Planning and Engineering.	City Staff	08-23
3.	Recommendation to City Council	City Staff	08-28
4.	Adopt Resolution of Intent	City Council	08-28
5.	Public Notice		
	(a) Publish Newspaper (one per week, four consecutive weeks)	City Clerk	9/3; 9/10 9/17; 9/24
	(b) Posted notices (two signs on street)	Street Dept	09-05
	(c) Mail copy of Resolution of Intent to all adjoining property owners by Registered or Certified Mail	City Clerk	08-31
6.	Public Hearing	City Council	09-25
7.	Order of Closing	City Council	
8.	Record closing order with Register of Deeds Office	City Attorney	

CITY COUNCIL
CITY OF KANNAPOLIS
ORDER TO CLOSE

WHEREAS, pursuant to North Carolina General Statute 160A-299, City Council of the City of Kannapolis has proposed to permanently close a portion of alley at 1100 Pine Street located in mid-block of between Pine Street and South Juniper Street and crossing Franklin Avenue described as a Public Street or Alley pursuant to Section 160A-299 of the General Statutes of North Carolina which is more particularly described as:

LEGAL DESCRIPTION

Proposed Alley Closing

1) A SECTION 200′ IN LENGTH BOUND ON THE SOUTH BY LOTS 1 THROUGH 4, BLK "B" ,"VILLAMONT HEIGHTS" MBK1, PG.51, ON THE NORTH BY LOTS 13 THROUGH 20, BLK "B", VILLAMONT HEIGHTS" MB 2 , PG. 38, AND ON THE EAST BY FRANKLIN ST,A 40′ PUBLIC R/W, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUND AS FOLLOWS:

   BEGINNING AT A COMPUTED POINT THE NE CORNER OF LOT 1, MBK1, PG. 51 ON THE WEST EDGE OF FRANKLIN ST THENCE S 74°53′00″ W, 200.00′ WITH LOTS 1 THROUGH 4 ALONG THE SOUTH EDGE OF SAID 10′ ALLEY TO A COMPUTED POINT, THE COMMON CORNER OF LOTS 4 & 5, MBK 1, PG. 51: THENCE A NEW LINE NORTH ACROSS SAID ALLEY N 15°07′00″ W, 10.00′ TO AN EXISTING ½″ IRON ROD, A COMMON CORNER OF LOT 20 & 21, BLK "B" MBK 2, PG.38; THENCE ALONG THE NORTH EDGE OF SAID ALLEY WITH LOTS 13 THROUGH 20, BLK "B", MBK 2, PG. 38 N 74°53′00″ E, 200.00′ TO A COMPUTED POINT ON THE WEST EDGE OF FRANKLIN ST; THENCE WITH FRANKLIN ST S 15°07′00″ E,10.00″ TO THE POINT OF BEGINNING, CONTAINING 0.046 AC./2,000 SQ.FT. MORE OR LESS.

2) A SECTION 100′ IN LENGTH BOUND ON THE SOUTH BY LOTS 1 THROUGH 4, BLK "D" "VILLAMONT HEIGHTS" MBK 1, PG. 51, ON THE NORTH BY LOT 13, BLK "D", SAME SAID MAPAND ON THE WEST BY FRANKLIN ST, 40′ PUBLIC R/W, AND BEING MORE PARTICULAR DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

   BEGINNING AT A COMPUTED POINT THE SW CORNER OF LOT 13, BLK "D'", MBK 1, PG. 51 ON THE EAST EDGE OF FRANKLIN ST THENCE N 74°53′00″ E, 100.00′ WITH NORTH EDGE OF SAID ALLEY AND LOT 13; THENCE A NEW LINE SOUTH ACROSS SAID ALLEY S 15°07′00″ E 10.00′ TO A COMPUTED POINT, A COMMON CORNER OF LOTS 4 & 5 BLK "D", MBK 1 PG. 51; THENCE

S 74°53′00″ W, 10.00′ WITH THE SOUTH EDGE OF SAID 10′ ALLEY AND LOTS 1 THROUGH 4 TO A COMPUTED POINT, ON THE EAST EDGE OF FRANKLIN ST; THENCE WITH FRANKLIN ST IN 15°07′00″ W, 10.00′ TO THE POINT OF BEGINNING, CONTAINING 0.023 AC,/1,000 SQ.FT. MORE OR LESS.

WHEREAS, a Public Hearing on the question of such closing was held on September 25, 2023, at which time the plans for such closing were explained and all persons given an opportunity to be heard; and

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

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

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

1. That the portion of Alley at 1100 Pine Street is located mid-block between Pine Street and Juniper Street as described above, is hereby closed effective immediately.

2. That the City of Kannapolis reserves any and all right, title and interest in and to any utility improvements or easements within any portion of the above described street closed pursuant to this Order.

3. That a certified copy of this Order be filed in the office of the Register of Deeds for Cabarrus County, North Carolina.

Adopted this 25th day of September 2023.

Milton D. Hinnant
Mayor

Attest:

Bridgette Bell, MMC, NCCMC
City Clerk

Kannapolis City Council

City Council Agenda Staff Report
September 25, 2023

To: Mayor and City Council

From: Irene Sacks, Director of Economic & Community Development

Subject: **INDUCEMENT RESOLUTION** - Affordable Housing Project

Action Requested by City Council

Motion to approve Inducement Resolution for multifamily housing revenue bonds for 303 Chestnut Ave. and Motion to approve Inducement Resolution for senior housing revenue bonds for 312 Vance Ave

Required Votes to Pass Required Action

Majority Present at Meeting

Background

Dominium is an affordable housing developer that is planning to purchase property from Insite for two Low Income Housing Tax Credit projects. The site is approximately five acres in two blocks across from the Food Lion bounded by Chestnut Avenue, Vance Avenue, Dale Earnhardt Blvd, and W. D St. Dominium is a 50-year old affordable housing developer with projects in 19 states representing 38,000 dwelling units. The site would have sewer allocation subject to an approved development agreement.

Dominium is planning two buildings: a 255-unit family apartment and a 200-unit senior (age 55+) apartment. 100% of the units will be required to set rents no higher than 60% of the Area Median Income, which would be affordable to households earning approximately $40,000 to $60,000. Projected rents will be $1,000 to $1,450 for 1-3 BR, including utilities. The projects will include parking decks to serve the residents. Development costs are estimated to be $96 million for the family project and $76 million for the senior project, or $172 million total. Construction is expected to start in mid-2024 and complete at the end of 2026.

Both buildings will be five stories. The family project will have 20 efficiency, 72 one bedroom, 113 two bedroom, and 50 three bedroom units. The senior project will have 83 one bedroom and 117 two bedroom units. The units will have 9 foot ceilings, vinyl wood-plank flooring, carpeted bedrooms, walk-in closets, and granite countertops. Both properties will be amenitized with a fitness room, community courtyards, grill and picnic areas, a great room and more. City staff will work with the developer to ensure quality building materials and appropriate architectural details.

Fiscal Implications

Dominium will be pursuing 4% tax credits with the North Carolina Housing Finance Agency (NCHFA). To submit their NCHFA applications, Dominium is asking City Council to approve “inducement resolutions” for each project. These resolutions will be non-binding but will indicate the City’s interest in facilitating the project by being a pass-through entity for the tax-exempt multifamily housing revenue bonds to finance the project. These bonds are issued by the City, but the City has no financial obligation for the bonds. The bonds are not a debt of the City or a pledge of its faith and credit or taxing power and do not affect the City’s debt ratios or legal debt limit. The Borrower (developer) is solely responsible for repayment of principal and interest on the bonds and will pay all bond issuance costs.

Dominium has stated that the projects will likely be set up and owned by a non-profit entity to eliminate property tax expenses on the projects. Dominium is offering an issuance fee to the City for serving as the bond issuer, as a way to compensate the City for loss of property tax revenue. That amount is not identified in inducement resolution and will be negotiated and noted in future agreements.

Policy Issues

There is a significant need for affordable housing in Cabarrus County. The Affordable Housing Market Study conducted in 2020 estimated there were 5,265 total households that were cost burdened in Kannapolis, or paying more than 30% of their income towards housing costs. That number has likely grown, with the increasing cost of rent outpacing income growth. Within Cabarrus County, nearly 50% (4,062 households) earning 50% of Area Median Income ($50,000/year for a 4-person household) is cost burdened. Addressing affordable housing and homelessness was a high priority for City Council in its Imagine Kannapolis strategic plan.

There are 23 mill homes currently on the property and are occupied by renters. These tenants will need to relocate prior to the developer closing on the property.

Legal Issues

Upon approval by NCHFA for the tax credits (likely May 2024), City Council will need to hold a public hearing and adopt a resolution to issue the bonds. LGC approval may be required, and then City Council will need to adopt resolutions to approve agreements and financing for the bonds. Then the City will sign documents at the bond closing and receive annual monitoring reports regarding compliance with low-income requirements.

Additional agreements include a development agreement for sewer allocation and a stormwater agreement for a potential BMP/park on City property at Vance Avenue.

Recommendations and Alternate Courses of Action

303 Chestnut Avenue

1. **Approve Inducement Resolution for multifamily housing revenue bonds for 303 Chestnut Ave (Recommended).**
2. Do not approve the Inducement Resolution.
3. Defer action to a future meeting.

312 Vance Street:

1. **Approve Inducement Resolution for senior housing revenue bonds for 312 Vance Ave (Recommended).**
2. Do not approve the Inducement Resolution.
3. Defer action to a future meeting.

Attachments

1. Kannapolis - Dominium Family Apartments - Inducement Resolution
2. Kannapolis - Dominium Senior Apartments - Inducement Resolution. docx

RESOLUTION GIVING PRELIMINARY APPROVAL TO ISSUANCE OF MULTIFAMILY HOUSING REVENUE BONDS

WHEREAS, the City Council (the "City Council") of the City of Kannapolis, North Carolina (the "City") met in Kannapolis, North Carolina at 6:00pm on the 25th day of September, 2023; and

WHEREAS, pursuant to Section 160D-1311(b) of the General Statutes of North Carolina, the City is granted the power to exercise directly the powers of a housing authority organized pursuant to the North Carolina Housing Authorities Law, Article 1 of Chapter 157 of the General Statutes of North Carolina, as amended (the "Act"); and

WHEREAS, the Act in N.C.G.S. § 157-9 gives the City, acting as a housing authority, the power "to provide for the construction, reconstruction, improvement, alteration or repair of any housing project" and "to borrow money upon its bonds, notes, debentures or other evidences of indebtedness and to secure the same by pledges of its revenues"; and

WHEREAS, Kannapolis Leased Housing Associates I, LLLP, a Minnesota limited liability limited partnership, or an affiliated or related entity (the "Company"), intends to provide affordable housing in the City; and

WHEREAS, the Company has requested that the City assist it in financing the acquisition, construction and equipping of an approximately 255-unit multifamily residential rental development for families to be located at approximately 303 Chestnut Avenue in the City (the "Development"); and

WHEREAS, the Company has described to the City the benefits of the Development to the City and the State of North Carolina and has requested the City to agree to issue its multifamily housing revenue bonds in such amounts as may be necessary to finance the costs of acquiring, constructing and equipping the Development; and

WHEREAS, the City is of the opinion that the Development is a facility that can be financed under the Act and that the financing of the same will be in furtherance of the purposes of the Act;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KANNAPOLIS:

1. It is hereby found and determined that the Development will involve the acquisition, construction and equipping of a multifamily housing facility, and that therefore, pursuant to the terms and subject to the conditions hereinafter stated and the Act, the City agrees to assist the Company in every reasonable way to issue bonds to finance the acquisition, construction and equipping of the Development, and, in particular, to undertake the issuance of the City's multifamily housing revenue bonds (the "Bonds") in an amount now estimated not to exceed Sixty-Five Million Dollars ($65,000,000) to provide all or part of the cost of the Development.

2. The City intends that the adoption of this resolution be considered as "official action" toward the issuance of the Bonds within the meaning of the regulations issued by the Internal Revenue Service pursuant to Section 1.150-2 of the Treasury Regulations issued under the Internal Revenue Code of 1986, as amended (the "Code").

3. The Bonds shall be issued in such series and amounts and upon such terms and conditions as are mutually agreed upon between the City and the Company. The City and the Company shall enter into a "financing agreement" pursuant to the Act for a term and upon payments sufficient to pay the principal

of, premium if any, and interest on the Bonds and to pay all of the expenses of the City in connection with the Bonds and the Development. The Bonds will be issued pursuant to an indenture or security agreement between the City and a trustee (the "Trustee") or the bondholder which will set forth the form and terms of the Bonds and will assign to the Trustee for the benefit of the holders of the Bonds, or directly to the bondholder, the City's rights to payments under the financing agreement, except the City's right to payment of fees and expenses and indemnification. The Bonds shall not be deemed to constitute a debt or a pledge of the faith and credit of the State of North Carolina or any political subdivision or agency thereof, including the City, but shall be payable solely from the revenues and other funds provided under the proposed agreements with the Company.

4. The City hereby authorizes the Company to proceed, upon the prior advice, consent and approval of bond counsel and the City's counsel, to obtain approvals in connection with the issuance and sale of the Bonds and to obtain an allocation of a sufficient amount of the State of North Carolina's "private activity bond limit", as required by Section 146 of the Code and as defined in Section 146 of the Code, for the Bonds.

5. It having been represented to the City that it is desirable to proceed with the acquisition, construction and equipping of the Development, the City agrees that the Company may proceed with plans for such acquisition, construction and equipping, enter into contracts for the same, and take such other steps as it may deem appropriate in connection therewith, provided that nothing herein shall be deemed to authorize the Company to obligate the City without its written consent in each instance to the payment of any monies or the performance of any act in connection with the Development and no such consent shall be implied from the City's adoption of this resolution. The City agrees that the Company may be reimbursed from the proceeds of the Bonds, if and when issued, for all qualifying costs so incurred as permitted by Treasury Regulations Section 1.150-2.

6. All obligations hereunder of the City are subject to the further agreement of the City and the Company to terms for the issuance, sale and delivery of the Bonds and the execution of a financing agreement, indenture or security agreement and other documents and agreements necessary or desirable for the issuance of the Bonds. The City has not authorized and does not authorize the expenditure of any funds or monies of the City from any source other than the proceeds of the Bonds. All costs and expenses in connection with the financing and the acquisition, construction and equipping of the Development, including the reasonable fees and expenses of the City's counsel, bond counsel and the agent or underwriter for the sale of the Bonds, shall be paid from the proceeds of the Bonds or by the Company, but if for any reason the Bonds are not issued, all such expenses shall be paid by the Company and the City shall have no responsibility therefor. It is understood and agreed by the City and the Company that nothing contained in this resolution shall be construed or interpreted to create any personal liability of the officers or council members from time to time of the City.

7. The officers of the City are hereby authorized and directed to take all actions in furtherance of the resolution and the issuance of the Bonds.

8. The City hereby approves McGuireWoods LLP, Raleigh, North Carolina, to act as bond counsel for the Bonds.

9. This resolution shall take effect immediately.

Council member ____________ moved the passage of the foregoing resolution and Council member ____________ seconded the motion, and the resolution was passed by the following vote:

Ayes:____

Nays:____

Not voting:____

* * * * * * *

I, Bridgette Bell, City Clerk for the City of Kannapolis, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of so much of the proceedings of the City Council for the City of Kannapolis, North Carolina, at a regular meeting duly called and held on September 25, 2023, as it relates in any way to the resolution hereinabove set forth, and that such proceedings are recorded in the minutes of the City Council.

WITNESS my hand and the seal of the City Council of the City of Kannapolis, North Carolina, this 25th day of September, 2023.

(SEAL)

____
Bridgette Bell, City Clerk
City of Kannapolis, North Carolina

RESOLUTION GIVING PRELIMINARY APPROVAL TO ISSUANCE OF MULTIFAMILY HOUSING REVENUE BONDS

WHEREAS, the City Council (the “City Council”) of the City of Kannapolis, North Carolina (the “City”) met in Kannapolis, North Carolina at 6:00pm on the 25th day of September, 2023; and

WHEREAS, pursuant to Section 160D-1311(b) of the General Statutes of North Carolina, the City is granted the power to exercise directly the powers of a housing authority organized pursuant to the North Carolina Housing Authorities Law, Article 1 of Chapter 157 of the General Statutes of North Carolina, as amended (the “Act”); and

WHEREAS, the Act in N.C.G.S. § 157-9 gives the City, acting as a housing authority, the power “to provide for the construction, reconstruction, improvement, alteration or repair of any housing project” and “to borrow money upon its bonds, notes, debentures or other evidences of indebtedness and to secure the same by pledges of its revenues”; and

WHEREAS, Kannapolis Leased Housing Associates II, LLLP, a Minnesota limited liability limited partnership, or an affiliated or related entity (the “Company”), intends to provide affordable housing in the City; and

WHEREAS, the Company has requested that the City assist it in financing the acquisition, construction and equipping of an approximately 200-unit multifamily residential rental development that provides housing for older persons to be located at approximately 312 Vance Avenue in the City (the “Development”); and

WHEREAS, the Company has described to the City the benefits of the Development to the City and the State of North Carolina and has requested the City to agree to issue its multifamily housing revenue bonds in such amounts as may be necessary to finance the costs of acquiring, constructing and equipping the Development; and

WHEREAS, the City is of the opinion that the Development is a facility that can be financed under the Act and that the financing of the same will be in furtherance of the purposes of the Act;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KANNAPOLIS:

1. It is hereby found and determined that the Development will involve the acquisition, construction and equipping of a multifamily housing facility, and that therefore, pursuant to the terms and subject to the conditions hereinafter stated and the Act, the City agrees to assist the Company in every reasonable way to issue bonds to finance the acquisition, construction and equipping of the Development, and, in particular, to undertake the issuance of the City’s multifamily housing revenue bonds (the “Bonds”) in an amount now estimated not to exceed Fifty Million Dollars ($50,000,000) to provide all or part of the cost of the Development.

2. The City intends that the adoption of this resolution be considered as “official action” toward the issuance of the Bonds within the meaning of the regulations issued by the Internal Revenue Service pursuant to Section 1.150-2 of the Treasury Regulations issued under the Internal Revenue Code of 1986, as amended (the “Code”).

3. The Bonds shall be issued in such series and amounts and upon such terms and conditions as are mutually agreed upon between the City and the Company. The City and the Company shall enter into

a “financing agreement” pursuant to the Act for a term and upon payments sufficient to pay the principal of, premium if any, and interest on the Bonds and to pay all of the expenses of the City in connection with the Bonds and the Development. The Bonds will be issued pursuant to an indenture or security agreement between the City and a trustee (the “Trustee”) or the bondholder which will set forth the form and terms of the Bonds and will assign to the Trustee for the benefit of the holders of the Bonds, or directly to the bondholder, the City’s rights to payments under the financing agreement, except the City’s right to payment of fees and expenses and indemnification. The Bonds shall not be deemed to constitute a debt or a pledge of the faith and credit of the State of North Carolina or any political subdivision or agency thereof, including the City, but shall be payable solely from the revenues and other funds provided under the proposed agreements with the Company.

4. The City hereby authorizes the Company to proceed, upon the prior advice, consent and approval of bond counsel and the City’s counsel, to obtain approvals in connection with the issuance and sale of the Bonds and to obtain an allocation of a sufficient amount of the State of North Carolina’s “private activity bond limit”, as required by Section 146 of the Code and as defined in Section 146 of the Code, for the Bonds.

5. It having been represented to the City that it is desirable to proceed with the acquisition, construction and equipping of the Development, the City agrees that the Company may proceed with plans for such acquisition, construction and equipping, enter into contracts for the same, and take such other steps as it may deem appropriate in connection therewith, provided that nothing herein shall be deemed to authorize the Company to obligate the City without its written consent in each instance to the payment of any monies or the performance of any act in connection with the Development and no such consent shall be implied from the City’s adoption of this resolution. The City agrees that the Company may be reimbursed from the proceeds of the Bonds, if and when issued, for all qualifying costs so incurred as permitted by Treasury Regulations Section 1.150-2.

6. All obligations hereunder of the City are subject to the further agreement of the City and the Company to terms for the issuance, sale and delivery of the Bonds and the execution of a financing agreement, indenture or security agreement and other documents and agreements necessary or desirable for the issuance of the Bonds. The City has not authorized and does not authorize the expenditure of any funds or monies of the City from any source other than the proceeds of the Bonds. All costs and expenses in connection with the financing and the acquisition, construction and equipping of the Development, including the reasonable fees and expenses of the City’s counsel, bond counsel and the agent or underwriter for the sale of the Bonds, shall be paid from the proceeds of the Bonds or by the Company, but if for any reason the Bonds are not issued, all such expenses shall be paid by the Company and the City shall have no responsibility therefor. It is understood and agreed by the City and the Company that nothing contained in this resolution shall be construed or interpreted to create any personal liability of the officers or council members from time to time of the City.

7. The officers of the City are hereby authorized and directed to take all actions in furtherance of the resolution and the issuance of the Bonds.

8. The City hereby approves McGuireWoods LLP, Raleigh, North Carolina, to act as bond counsel for the Bonds.

9. This resolution shall take effect immediately.

Council member ____________ moved the passage of the foregoing resolution and Council member ____________ seconded the motion, and the resolution was passed by the following vote:

Ayes:____

Nays:____

Not voting:____

* * * * * * *

I, Bridgette Bell, City Clerk for the City of Kannapolis, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of so much of the proceedings of the City Council for the City of Kannapolis, North Carolina, at a regular meeting duly called and held on September 25, 2023, as it relates in any way to the resolution hereinabove set forth, and that such proceedings are recorded in the minutes of the City Council.

WITNESS my hand and the seal of the City Council of the City of Kannapolis, North Carolina, this 25th day of September, 2023.

(SEAL)

____

Bridgette Bell, City Clerk
City of Kannapolis, North Carolina