



**CITY OF KANNAPOLIS  
AMERICANS WITH DISABILITIES  
ACT COMPLIANCE**

## **I. AMERICANS WITH DISABILITIES ACT POLICY STATEMENT**

The City of Kannapolis does not discriminate on the basis of race, color, national origin, sex, religion, age, marital status, sexual preference or orientation, or disability in employment or the provision of services. It is the intent of the City to guarantee disabled persons equal opportunity to participate in or enjoy the benefits of City services, programs, or activities, and to allow disabled employees a bias free work environment. The City, upon request, will provide reasonable accommodation in compliance with the Americans with Disabilities Act (ADA).

The city is committed to creating an environment in which facilities for public meetings and general public use are accessible. Furthermore, the City will provide auxiliary aids and services (interpreters, readers, assisted listening devices, text telephones, large print materials, audio tape, help in filling out forms, and other similar services and actions) if necessary and if such reasonable accommodation can be provided without undue hardship to the City. Disabled persons may request the auxiliary aids and services of their choice, which will be given primary consideration. Communication of accessibility will be included in City publicity announcements.

The City has a commitment to ensure equal opportunities for disabled city employees. Every reasonable effort will be made to provide an accessible work environment and additional accommodations, including auxiliary aids and services. Employment practices (e.g. hiring, training, testing, transfer, promotion, compensation, benefits, termination, etc.) will be administered in such manner as to not promote discrimination of disabled employees. Detailed policies and procedures regarding employment practices are contained in the City's *Personnel and Administrative Policies Manual*.

Recruitment and selection processes will grant equal opportunity for employment to qualified applicants and will not discriminate on the basis of disability. Reasonable accommodation will be provided upon request during an application/interview process.

The City is also committed to ensure equal opportunity for disabled persons to participate on boards and commissions. Board and commission meetings will be held in accessible locations, requested auxiliary aids will be provided, and accommodation provided during the selection process of board and commission members. Through the recruitment process, the City will actively seek and invite the participation of board and commission members who are disabled.

All future construction and renovation of City-owned buildings and facilities will be carried out in accordance with North Carolina Building Code regulations and ADA Accessibility Guidelines (ADAAG).

In the event citizens, employees, or other participants in the City's programs, services, and activities feel the City has violated their rights under the ADA, this policy provides a grievance procedure for handling such complaints.

City staff will be trained to ensure that disabled persons may participate in and benefit from City programs, services, and activities.

## II. NON-DISCRIMINATION POLICY STATEMENT

The non-discrimination statement set out below shall be posted in all City of Kannapolis departments.

**“This agency/institution is prohibited from discriminating on the basis of disability in admission or access to, or treatment or employment in its programs or activities.”**

Persons with disabilities who require alternative means for communication of program information (Braille, large print, audio tape, etc.) should contact Tina Cline, ADA Coordinator. Complaints, comments, or questions should be addressed to:

Tina Cline  
Human Resource Director/ADA Coordinator  
City of Kannapolis  
401 Laureate Way  
Kannapolis, NC 280081  
704-920-4302

### III. PUBLIC NOTICES

The City has prepared the following public notices in accordance with the Americans with Disabilities Act of 1990 ("ADA").

#### A. Website Public Notice

##### Notice under the Americans with Disabilities Act

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 ("ADA"), the City of Kannapolis will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

***Employment:*** The City of Kannapolis does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

***Effective Communication:*** The City of Kannapolis will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in Kannapolis City's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

***Modifications to Policies and Procedures:*** The City of Kannapolis will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in Kannapolis City's offices, even where pets are generally prohibited.

**Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City of Kannapolis, should contact the office of **Tina H. Cline, Human Resource Director and ADA Coordinator, by phone at 704-920-4302 or by email at [tcline@cityofkannapolis.com](mailto:tcline@cityofkannapolis.com)** as soon as possible but no later than 48 hours before the scheduled event.**

The ADA does not require the City of Kannapolis to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of the City of Kannapolis is not accessible to persons with disabilities should be directed to **Tina H. Cline, Human**

**Resource Director and ADA Coordinator, by phone at 704-920-4302 or by email at [tcline@cityofkannapolis.com](mailto:tcline@cityofkannapolis.com).**

The City of Kannapolis will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

## **B. BRIEF PUBLIC NOTICES**

### **1. EXAMPLE 1:**

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the **City of Kannapolis** will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of **the City of Kannapolis**, should contact the office of ***Tina H. Cline, Human Resource Director, by phone at 704-920-4302 or by email at [tcline@kannapolisnc.gov](mailto:tcline@kannapolisnc.gov)*** as soon as possible but no later than 48 hours before the scheduled event.

### **2. EXAMPLE 2:**

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of **the City of Kannapolis**, should contact the office of ***Tina H. Cline, Human Resource Director, by phone at 704-920-4302 or by email at [tcline@kannapolisnc.gov](mailto:tcline@kannapolisnc.gov)*** as soon as possible but no later than 48 hours before the scheduled event.

#### **IV. GRIEVANCE PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT**

The City of Kannapolis adopts the following internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the Equal Employment Opportunity Commission (EEOC) regulations implementing Title I of the ADA and the U.S. Department of Justice regulations implementing Title II of the ADA. Title I of the ADA states that "no covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment." Title II of the ADA states that "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity."

Complaints should be addressed to:

ADA Coordinator  
City of Kannapolis  
401 Laureate Way  
Kannapolis, NC 28081  
704-920-4302

The ADA Coordinator has been designated to coordinate ADA compliance efforts. He/she shall maintain the files and records of the City relating to the complaints filed and ensuing investigations.

1. A complaint may be filed either in writing, verbally or in person at a face to face meeting. It shall consist of the name and address of the person filing it, or on whose behalf it is filed, and a brief description of the alleged violation of the ADA regulations. A complaint shall be filed within twenty (20) calendar days after the complainant becomes aware of the alleged violation.
2. An investigation, as may be appropriate, shall follow a filing of complaint. The investigation shall be commenced by the ADA Coordinator, or the designee of the ADA Coordinator, within ten (10) calendar days following the filing of complaint. The investigation will be informal but thorough, affording all interested persons and their representatives, if any, an opportunity to submit information relevant to such investigation.
3. A written determination as to the validity of the complaint and a resolution of the complaint, if any, shall be issued by the ADA Coordinator and a written copy mailed to the complainant within thirty (30) calendar days following the filing of the complaint.

4. The complainant may request a reconsideration of the case determination of the ADA Coordinator in instances where he/she is dissatisfied with the resolution. The request for reconsideration shall be made within ten (10) calendar days following the date the complainant receives the determination of the ADA Coordinator.

The request for reconsideration shall be made to:

City Manager  
City of Kannapolis  
401 Laureate Way  
Kannapolis, NC  
(704)920-4300

The City Manager shall review the records of said complaint and may conduct further investigation when necessary to obtain additional relevant information. The City Manager shall issue his/her decision on the request for reconsideration within twenty (20) calendar days of the filing of the request for reconsideration. A copy of said decision shall be mailed to the complainant.

5. The complainant may request a reconsideration of the case determination of the City Manager in instances where he/she is dissatisfied with the decision of the City Manager. The request for reconsideration should be made within ten (10) calendar days following the date the complainant receives the determination of the City Manager. The request for reconsideration shall be made to the City Council through the City Clerk. The City Council shall review the records of said complaint and may conduct further investigation when necessary to obtain additional relevant information and shall issue its decision thereon within thirty (30) calendar days of the filing of the request for reconsideration. A copy of said decision shall be mailed to the complainant. The decision of the City Council is final.
6. The complainant's right to prompt and equitable resolution of the complaint must not be impaired by his or her pursuit of other remedies, such as the filing of a complaint with the U.S. Department of Justice or any other appropriate federal agency. Furthermore, the filing of a lawsuit in state or federal district court can occur at any time. The use of this grievance procedure is not a prerequisite to the pursuit of other remedies.
7. These rules shall be construed to:
  - a. protect the substantive rights of interested persons,
  - b. meet appropriate due process standards, and
  - c. comply with the ADA and implementing regulations.

**V. AMERICANS WITH DISABILITIES ACT SELF-EVALUATION**

The City of Kannapolis has conducted a self-evaluation of its existing facilities to determine whether there are physical barriers to access programs and services. Self-evaluations will be completed for new facilities as they are constructed or acquired.

The public may request to inspect the self-evaluations by contacting the ADA Coordinator

ADA Coordinator  
City of Kannapolis  
401 Laureate Way  
Kannapolis, NC 28081  
704-920-4302

## **VI. AMERICANS WITH DISABILITIES ACT TRANSITION PLAN FOR RIGHT OF WAY COMPLIANCE**

The City of Kannapolis is committed to providing equal access to all of its public programs, services, facilities, and activities for citizens with disabilities. To that end, the City has surveyed and ranked the condition of existing sidewalks and has developed, with public input a master plan for the installation of future sidewalks.

### **1. Existing Sidewalks**

A sidewalk condition survey (Attachment A) was conducted in 2006 to identify existing sidewalks and rank existing facilities by condition as:

- Excellent
- Good
- Fair
- Poor
- Sub-Poor
- Existing Sidewalk – Not Evaluated (because they were newly installed)

The City of Kannapolis replaces and upgrades curb ramps at intersections as sidewalks are replaced or repaired. Priority is given for existing sidewalk improvements and curb ramp up-fits based on the following criteria and is based on available funding:

- The infrastructure is listed on the current Capital Improvement Plan schedule.
- The sidewalk condition was ranked as less than fair.
- The sidewalk is in an area where there are known hazards or where citizens have reported recent hazards.
- The sidewalk is in an area slated for street resurfacing, if sidewalks exist and are non-compliant.
- When improvements are made to existing sidewalks, the cross sections are also brought into compliance.
- The sidewalk is in an area near a school.
- The sidewalk is along the path of the Walkable Community Program, “Walk the Loop.”

A list of sidewalk, curb, and ramp improvements completed in Fiscal Year 2018 is included as Attachment B.

### **2. New Sidewalks**

A Walkable Community Plan (Attachment C) was prepared in February 2007. The goal of the plan was to create a more livable community through the promotion and development of pedestrian amenities and facilities which are safe, accessible, and connect destinations within the City and larger region.

The process involved review of existing pedestrian facilities, transportation network, key destination and public facilities with staff as well as soliciting public input regarding needs and location of facilities.

### 3. Accessible Pedestrian Signals and Pushbuttons

The following describes the general guidelines followed to determine when and where accessible pedestrian signals and pushbuttons (APS) are appropriate at traffic signals:

- a. Requests. The Public Works department reviews requests for APS signals from the general public. Installation of an APS signal is dependent on two primary factors: signalized intersection and existing available sidewalks. Upon review and if installation is approved, the City may install the APS signal or may make a request to the NC Department of Transportation to consider installation of the system.
- b. New construction: Construction of new traffic signal projects require installation of APS and associated accessible features when pedestrian signals are installed.
- c. Curb ramp replacement at traffic signals: If the intersection is signalized and there are existing sidewalks in place at the intersection, installation of APS on poles is required when altering or replacing curb ramps.
- d. Minor work and routine maintenance at traffic signals: Installation of APS and associated accessible features is not required when minor or routine work is performed.

Examples of minor or routine work include but is not limited to: emergency repairs, signal timing adjustments, vehicular detection installation and repairs, installation and repair of cameras, vehicular signal head upgrades and repairs, pedestrian detection, etc.

Additionally, repairs and upgrades of signal controller software and/or cabinets do not require installation of APS and associated accessible features.

However, a complete up-fit to the signal cabinet may provide an opportunity to include pedestrian phasing software for future APS installation. This shall be determined on a case by case basis.

- e. Other traffic signal projects: For traffic signal improvement projects that are not new construction, minor work, and/or routine maintenance or curb ramp replacement projects:
  - Where the project scope includes the alteration, installation of APS on any pole to which a pedestrian push button is attached, installation of APS on poles in accessible locations is required.

Relocation of poles may be required to achieve accessibility. Construction or alteration of curb ramps is not required.

- Where the project scope does not include the alteration, installation or replacement of any pole to which a pedestrian push button is attached, installation of APS at existing push button locations is required. Relocation of poles, construction or alteration of curb ramps, etc., is not required.
- Signal controller software upgrades and repairs and/or cabinet upgrades and repairs that alter the operation of display of pedestrian signals require installation of APS at existing push button locations. Relocation of poles, construction or alterations of curb ramps etc., is not required.
- Adding or revising pedestrian signal heads or pedestrian detectors require installation of APS at existing push button locations. Relocation of poles, construction or alteration of curb ramps, etc., is not required.
- In addition to the areas above, APS will be installed through fulfillment of the City's obligation to complete its ADA Transition Plan.

**ATTACHMENT A**

**2006 SIDEWALK CONDITION SURVEY**

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**ATTACHMENT B**  
**SIDEWALK, CURB, AND RAMP IMPROVEMENTS**  
**FISCAL YEAR 2018**

Through funding included in the Fiscal Year 2018 approved budget and funding in partnership with the NC Department of Transportation, the City of Kannapolis completed the following sidewalk, curb, and ramp improvements for the fiscal year ended June 30, 2018:

- 400 block of S. Rose Ave (entire sidewalk)
- 2 Handicap ramps at Sharpe Ave and East D street
- 4 Handicap ramps at East E and S Rose Ave
- 4 Handicap ramps at East D and S Rose Ave
- 3 Handicap ramps at East C and S Rose Ave
- 2 Handicap ramps at East 2<sup>nd</sup> and N Rose Ave
- 3 Handicap ramps at East 3<sup>rd</sup> and N Rose Ave
- 2 Handicap ramps at East 4<sup>th</sup> and N Rose Ave
- 3 Handicap ramps at East 4<sup>th</sup> and N East Ave
- 3 Handicap ramps at Mable and Jackson Park Rd at church
- 2 Handicap ramps at West 8<sup>th</sup> street school west end
- 2 Handicap ramps at West 8<sup>th</sup> street school east end exit
- 3 Handicap ramps at N Walnut and West 8<sup>th</sup> street
- 1 Handicap ramp at Westover and Pine street
- 1 Handicap ramp at Cox Ave and Pine street
- 1 Handicap ramp at Streamside street and River Farm Blvd

**NOTE:**

For each handicap ramp area, the scope of work also included sidewalk improvements and repairs. The majority of the handicap ramp areas are in the new Walk the Loop program around area schools.

**ATTACHMENT C**  
**WALKABLE COMMUNITY PLAN**