

**Minutes**  
Kinston City Council  
City Hall · 207 East King Street  
Tuesday, January 21, 2020 at 7:00 pm

**REGULAR MEETING**

Mayor Don Hardy called the City Council meeting to order at 7:00 pm.

Mayor Hardy led the prayer followed by the Pledge of Allegiance.

Those present: Councilmembers Robert Swinson, Sammy Aiken, Kristal Suggs, Antonio Hardy, and Mayor Don Hardy

Also present: Tony Sears, City Manager, and James Cauley, City Attorney

Those absent: Mayor Pro Tem Felicia Solomon

**Adoption of the Agenda**

Councilmember Swinson made the motion, seconded by Councilmember Suggs and upon a unanimous vote [5-0] the agenda was approved.

**CITIZEN COMMENT**  
Citizens must sign in prior to the start of the meeting if they wish to address the City Council.  
Citizens should state their name and address prior to beginning their comments and may speak up to a maximum of 3 minutes.  
Citizens seeking assistance or asking questions will be contacted by a member of the Governing Body or by appropriate City Staff.

**Joseph Jones, 133 N Queen Street** stated Little Union Academy of Martial Arts would hold a self-defense class in February.

**PRESENTATIONS AND RECOGNITIONS**

**1. Retirement Recognition for Timmy R. Woolard.....Tim Dilday**

Tim Dilday, Interim Police Chief, congratulated and thanked Timmy Woolard for his 30 years of service to the Police Department.

**MINUTES**

**Consider approval of the minutes of the City Council meeting held Monday, January 6, 2020.....Debra Thompson**

Councilmember Suggs made the motion, seconded by Councilmember Swinson and upon a unanimous vote [4-0] the minutes were approved.

**ACTION AGENDA**

**1. Consider a Conditional Use Permit for Change of Use to Bar (Public Hearing).....  
.....Adam Short**

Adam Short, Planning Director, stated staff received an application for a Conditional Use Permit from Justin Martin to formally change use from an events center to a bar. The change of use requires a conditional use permit for the updated use category. The property is located at 200 North Heritage Street.

Mayor Hardy declared the public hearing open. After no one speaking in favor of or against the application, the public hearing was closed.

Councilmember Swinson made the motion, seconded by Councilmember Aiken and upon a unanimous vote [4-0] the Conditional Use Permit was approved.

**2. Consider Approval to Establish Special Revenue Project Ordinance-Jetstream Fire Protection Line.....Donna Goodson**

Donna Goodson, Finance Director, stated Steve Miller, Assistant Public Services Director, has requested the establishment of a special revenue fund to administer the costs associated with the installation of a 12” diameter water line from Rouse Road Extension to the two new hangers being constructed at the North Carolina Global Transpark as part of the Project Jetstream Project by LGM Enterprises. Mr. Miller is requesting the estimated project cost of \$187,300 be funded equally between the General Fund and Water Fund, as the main benefit to the city for the entire Project Jetstream is the creation of 145 jobs and a \$10.5 million investment by LGM Enterprises to benefit the city and county. The City is in the process of seeking financial assistance from the state of North Carolina; however, to proceed with the installation of the water line, the project needs to be established.

Councilmember Swinson made the motion, seconded by Councilmember Suggs and upon a unanimous vote [4-0] the following ordinance was adopted.

**AN ORDINANCE TO ESTABLISH A SPECIAL PROJECT FOR  
JETSTREAM FIRE PROTECTION LINE (W9118)**

**WHEREAS**, there is a need to establish a fund to administer the costs associated with the installation of a 12” diameter water line from Rouse Road Extension to new airline hangers being constructed at the North Carolina Global Transpark, to provide enough flow to supply pumps for a fire sprinkler system, and

**WHEREAS**, the project will be funded with a transfer from the General Fund and the Water Fund for the scope of work the project entails, and

**WHEREAS**, it is necessary to appropriate expenditures related to the installation of the water line.

**THEREFORE BE IT ORDAINED** by the City Council of the City of Kinston, North Carolina that the following Special Project Budget Ordinance is adopted as follows:

**Jetstream Fire Protection Line (W9118)**

Revenues:	
Transfer from General Fund	\$ 93,650.00
Transfer from Water Fund	<u>93,650.00</u>
Total Revenues	<u>\$ 187,300.00</u>
Expenditures:	
Water Line Projects	\$ 187,300.00
Total Expenditures	<u>\$ 187,300.00</u>

**3. Consider Special Revenue Project Budget Ordinance- 2019 GCC Juvenile Justice Grant (P9140).....Donna Goodson**

Donna Goodson, Finance Director, stated on April 12, 2019, the City of Kinston Police department received notification they were approved to receive an award from the Governor’s Crime Commission for the 2019 City of Kinston Juvenile Justice Disproportionate Minority Contact (DMC) Grant. The City of Kinston Police Department will partner with Lenoir County Schools, Lenoir County Courts, Sheriff, JCPC and others in addressing over-representation of minority youth in the juvenile justice system. The goals outlined in the grant are to continue collecting DMC data, implementing best practices, and to continue racial equity training for school resource officers and develop Parent/Youth Advocacy training to improve communication between students, parents, school administrators, law enforcement, and the community. On October 1, 2019, the City of Kinston Police department was notified that the total award amount is \$216,920.80. The state grant amount awarded is \$170,490.60 with an in-kind match of \$46,430.20 for project staff salary of Project Director, Community Engagement Coordinator, Finance Director and Administrative Manager.

Councilmember Swinson made the motion, seconded by Councilmember Hardy and upon a unanimous vote [4-0] the following ordinance was adopted.

**FY 2020 PROJECT BUDGET ORDINANCE  
Creating a Special Revenue Project Ordinance  
Governor’s Crime Commission 2019 Juvenile Justice  
Disproportionate Minority Contact Grant (PROJ013557) Project**

**WHEREAS**, the City of Kinston provides law enforcement services to protect the life, safety and welfare of the Citizens, businesses and visitors of the City of Kinston, and

**WHEREAS**, the City of Kinston desires to help better the community and its citizens by reducing Disproportionate Minority Contact (DMC) in conjunction with Lenoir County’s Partnership Community Teams with Schools (PACTS) to reduce minority arrests and suspensions, and

**WHEREAS**, on October 1, 2019, the North Carolina Department of Public Safety, Division of the Governor’s Crime Commission awarded a grant in the amount of \$170,490.60 to the City of Kinston Police Department which requires a \$46,430.20 in-kind match, and

**WHEREAS**, grant funds will be used to learn new strategies to identify and prevent Disproportionate Minority Contact (DMC) from occurring through training and technical assistance about DMC, its effects on the Kinston-Lenoir County community and develop community-wide strategy to combat DMC from law enforcement to youth to

schools to community based organizations through contractual services, travel, training, and supplies. These expenditures will be funded with State Grant revenue from the Governor’s Crime Commission.

**NOW THEREFORE BE IT ORDAINED** by the City Council of the City of Kinston, North Carolina the following special revenue project budget ordinance is adopted:

**GCC 2019 Juvenile Justice Disproportionate Minority Contact Grant (PROJ013557)**

Revenues:	
State Grants - GCC	<u>\$ 170,490.60</u>
Total Revenues	<u>\$ 170,490.60</u>
Expenditures:	
Contractual	\$ 134,475.00
Supplies	13,875.00
Travel	<u>22,140.60</u>
Total Expenditures	<u>\$ 170,490.60</u>

**4. Consider a Special Revenue Fund Amendment-Ballistic Vest Fund.....  
.....Donna Goodson**

Donna Goodson, Finance Director, stated The Police department has requested an appropriation of revenue and expenditures for the FY2019 Ballistic Vest Partnership award from the U.S. Department of Justice for 16 vests in the amount of \$11,317.42 requiring a 50/50 local match. This match will be funded with a transfer of \$5,658.71 from the General Fund.

Councilmember Aiken made the motion, seconded by Councilmember Suggs and upon a unanimous vote [4-0] the following ordinance was adopted.

**AN ORDINANCE AMENDING THE SPECIAL REVENUE FUND  
FOR THE BALLISTIC VEST PARTNERSHIP GRANT (BVP) (P9129)**

**WHEREAS**, the City Council created a special revenue fund on March 5, 2012 to account for the restricted federal funds from the U.S. Department of Justice Ballistic Vest Program, and

**WHEREAS**, the City of Kinston must provide for the safety of its law enforcement officers that watch over the safety of the community and in order to offset the cost of providing necessary personal protective equipment City staff actively seek grant funding sources, and

**WHEREAS**, the Kinston Department of Public Safety has applied for and been awarded a grant by the U.S. Department of Justice Bureau of Justice Assistance for the FY2019 granting period to purchase 17 ballistic vests, and

**WHEREAS**, it is agreed the City of Kinston will match the grant with a local match of \$5,658.71 for the purchase of the ballistic vests. The local match will be funded with a split appropriation from Federal Grants BVP Program and Transfer from General Fund.

**THEREFORE BE IT ORDAINED** by the City Council of the City of Kinston, North Carolina that the following special revenue project budget ordinance is amended as follows:

<u>Ballistic Vest Partnership (BVP) Program</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>Increase (Decrease)</u>
Revenues:			
Federal Grants BVP Program	\$ 48,879.98	\$ 54,538.69	\$ 5,658.71
Transfer From General Fund	48,879.99	54,538.70	5,658.71
Total Revenues	<u>\$ 97,759.97</u>	<u>\$ 109,077.39</u>	<u>\$ 11,317.42</u>
Expenditures:			
Capital Outlay Other Equipment	\$ 97,759.97	\$ 109,077.39	\$ 11,317.42
Total Expenditures	<u>\$ 97,759.97</u>	<u>\$ 109,077.39</u>	<u>\$ 11,317.42</u>

**5. Consider a Special Revenue Fund Amendment-2017 NCHFA ESFRL DR Loan Pool  
 .....Donna Goodson**

Donna Goodson, Finance Director, stated on February 20, 2017, the North Carolina Housing Finance Agency awarded the City of Kinston a grant to provide interest free, deferred-forgiven loans to Program-eligible homeowners to pay for certain rehabilitation costs of a homeowner’s house as a result of damage from Hurricane Matthew and Tropical Storms Julia and Hermine. A special revenue fund (NCHFA 2017 Essential Single-Family Rehabilitation Loan Pool-Disaster Recovery – C2118) was created to account for the grant. The initial grant amount was in the amount of \$150,000. Per the request of Mr. Adam Short, Planning Director, we are recommending a budget amendment for the NCHFA 2017 Essential SFR Loan Pool-Disaster Recovery for additional projects approved by the NCHFA in the loan pool for twelve additional applicants in the amount of \$750,000. The grant agreement signed by the City allows for this additional funding from the loan pool without the issuance of additional award letters.

Councilmember Suggs made the motion, seconded by Councilmember Aiken and upon a unanimous vote [4-0] the following ordinance was adopted.

**AN ORDINANCE AMENDING THE SPECIAL REVENUE FUND FOR  
 NCHFA 2017 ESSENTIAL FAMILY REHABILITATION LOAN POOL -  
 DISASTER RECOVERY (C2118)**

**WHEREAS**, on February 20, 2017 the North Carolina Housing Finance Agency awarded the City of Kinston a grant to provide interest free, deferred-forgiven loans to Program-eligible homeowners to pay for certain rehabilitation costs of a homeowner’s house as a result of damage from Hurricane Matthew, Tropical Storms Julia or Hermine and,

**WHEREAS**, City Council authorized the creation of a special revenue fund on May 7, 2018, to account for the grant which is a pass-thru from the U.S. Department of Housing and Urban Development agency’s HOME Investment CPD federal award project and,

**WHEREAS**, the North Carolina Housing Finance Agency has approved additional projects for twelve additional applicants as allowed in the original grant agreement signed by the City of Kinston and does not require additional award letters and,

**WHEREAS**, it is necessary to appropriate funds to pay for materials, contractors, vendors and equipment for the rehabilitation costs.

**THEREFORE BE IT ORDAINED** by the City Council of the City of Kinston, North Carolina that the following Special Revenue Project Budget Ordinance for associated revenues and expenditures be amended as follows:

<b>NCHFA 2017 Essential Single-Family Rehabilitation Loan Pool - Disaster Recovery</b>	<b>Current Budget</b>	<b>Amended Budget</b>	<b>Increase (Decrease)</b>
Revenues:			
State Grants	\$ 150,000.00	\$ 900,000.00	\$ 750,000.00
Total Revenues	<u>\$ 150,000.00</u>	<u>\$ 900,000.00</u>	<u>\$ 750,000.00</u>
Expenditures:			
NCHFA Disaster Recovery Rehab Costs	\$ 150,000.00	\$ 900,000.00	\$ 750,000.00
Total Expenditures	<u>\$ 150,000.00</u>	<u>\$ 900,000.00</u>	<u>\$ 750,000.00</u>

**6. Consider Approval of Ordinance for FY2020 Operating Budget Amendment.....  
.....Donna Goodson**

Donna Goodson, Finance Director, stated on Monday, January 6, 2020 the council approved repairing the scoreboard at Grainger Stadium at an estimated cost of \$90,000. The Recreation Department is requesting an appropriation of \$90,000 in the Stadium Equipment & System Improvements line item with a corresponding revenue appropriation to Appropriated Fund Balance. The appropriation to the Ballistic Vest Partnership Grant (P9129) from the General Fund for the fiscal year ending June 30, 2019 was for \$5,800 and the remaining \$337.39 needs to be transferred to the Special Revenue Project to complete the purchases of the remaining ballistic vests for the FY2017 granting period. The Finance Department is requesting is requesting an appropriation of \$99,646.10 in the Transfers to Special Revenue Funds line item with a corresponding revenue appropriation to Appropriated Fund Balance. On March 12, 2015, the City of Kinston and Lenoir County entered into an Economic Development Agreement with Sanderson Farms, Inc., at their site in Lenoir County designated as “Site No.2-Feed Mill”. According to the agreement, the economic incentives consisted of Sanderson Farms, Inc. incurring costs for the purchase and installation of improvements at the feed mill, and the County and City each realizing economic benefits due to the expansion of tax bases and creation of jobs. As an incentive for Sanderson Farms, Inc. to increase capacity at their existing feed mill, the County and City agreed to provide to Sanderson Farms, Inc. specific cash incentives. The City’s portion of the economic development grant to Sanderson Farms, Inc. was calculated to be \$123,000 with such grant to be made available to Sanderson Farms, Inc. over a period of 10 years according to a specified annual amount. If the Site No.2-Feed Mill did not meet performance goals for a particular year, the City was only required to pay the calculated performance percentage of the estimated amount and the City was to accrue the amounts of funds budgeted but unearned until such year the Site attained at least 100% of its total projected goal. The Site did not attain 100% of its projected goal for year 2016, 2017, and 2018 and the City was only obligated to pay a portion of the specified annual amounts per the agreement. For the year 2019, the Site attained 100% of its projected goal. Therefore, the unpaid amounts that accrued for years 2016, 2017, and 2018 in the amount of \$40,663 are now required to be paid. It has been the City’s policy to budget each year only the specified annual amounts per the agreement with the understanding that a budget amendment would be necessary to appropriate

the accrued unearned incentive payments. The Finance Department is requesting is requesting an appropriation of \$40,663 in the Economic Development Reimbursement line item with a corresponding revenue appropriation to Appropriated Fund Balance. The Lion's Water Adventure was given a separate Organization number and budget for FY19-20. The funds for their budget came from the corresponding line items in the Kinston Community Center Budget. This was the first year LWA was given a separate budget. In creating LWA's budget, there were excess funds that are available to be transferred back to the Kinston Community Center Organization to cover usage and employment during the off season of Lion's Water Adventure. The Parks and Recreation Department is requesting that available funds from the Recreation-LWA organization of \$40,000 in Contracted Temporary Labor line item (1600-6128-61300), \$10,000 in the Chemical and Supplies line item, and \$40,000 in the LWA Concessionaire Supplies line be transferred to the Recreation-Kinston Community Center Organization with \$40,000 transferred to the Salaries-Temp/Part-time line item, \$40,000 transferred to the Contracted Temporary Labor line item, and \$10,000 transferred to the Chemicals and Supplies line item to accommodate the offseason employees and expenses.

Councilmember Swinson made the motion, seconded by Councilmember Hardy and upon a unanimous vote [4-0] the following ordinance was adopted.

**AN ORDINANCE AMENDING THE ANNUAL  
OPERATING BUDGET**

**WHEREAS**, the City Council adopted the annual operating budget on June 17, 2019 authorizing appropriations for the General Fund, Kinston Community Center Fund, and Water Resources Fund, and

**WHEREAS**, amendments by the City Council may become necessary during the year as conditions change, and

**WHEREAS**, it is necessary to appropriate funds in the Stadium Equipment & System Improvements line item of the Recreation-Stadium division in the General Fund for repairs to the scoreboard at Grainger Stadium to be able to provide a working scoreboard during the upcoming Down East Wood Ducks Baseball Season. This will be funded with an appropriation of fund balance from the General Fund, and

**WHEREAS**, it is necessary to appropriate funds in the Transfers to Special Revenues Funds line item of the Transfers to Other Funds division in the General Fund to provide funds to the Ballistic Vest Partnership Grant Special Projects Fund for 50% of the matching cost of 17 ballistic vests that are necessary to provide for the safety of the City's law enforcement officers that watch over the safety of the community. This will be funded with an appropriation of fund balance from the General Fund, and

**WHEREAS**, it is necessary to appropriate funds in the Transfers to Special Revenues Funds line item of the Transfers to Other Funds division in the General Fund to partially establish the Jetstream Fire Protection Line Special Revenues Project to provide adequate water flow to supply pumps for a fire sprinkler system for a \$10.5 million investment being constructed at the North Carolina Global Transpark that will benefit both the City and County economically with the creation of 145 jobs. This will be funded with an appropriation of fund balance from the General Fund, and

**WHEREAS**, it is necessary to appropriate funds in the Economic Development Reimbursement line item of the Capital Outlay-(Non-recurring) division in the General Fund to satisfy prior accrued amounts of incentive payments due Sanderson Farms, Inc. in recognition of the Site No. 2-Feed Mill attaining 100% of it projected goal for the 2019 year per the City and County's joint Economic Development Agreement with Sanderson Farms, Inc. This will be funded with an appropriation of fund balance from the General Fund, and

**WHEREAS**, it is necessary to appropriate funds in the Recreation-Kinston Community Center department in the Kinston Community Center Fund for costs associated temporary employees, contracted temporary labor and supplies that will be expended for the remainder of the budget year in the Community Center department. This will be funded with a transfer of unexpended contracted temporary labor, supplies and LWA Concessionaire supplies not utilized in the Recreation-LWA department in the Kinston Community Center Fund, and

**WHEREAS**, it is necessary to appropriate funds in the Transfers to Special Revenues Funds line item of the Transfers to Other Funds division in the Water Resources Fund to partially establish the Jetstream Fire Protection Line Special Revenues Project to provide adequate water flow to supply pumps for a fire sprinkler system for a \$10.5 million investment being constructed at the North Carolina Global Transpark that will benefit both the City and County economically with the creation of 145 jobs. This will be funded with an appropriation of fund balance from the Water Resources Fund.

**THEREFORE BE IT ORDAINED** by the City Council of the City of Kinston, North Carolina that the annual operating budget ordinance be amended as follows:

<u>General Fund</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>Increase (Decrease)</u>
<b>Revenues:</b>			
Appropriated Fund Balance	\$ 875,932.00	\$ 1,106,241.10	\$ 230,309.10
Total Other General Fund Revenues	24,620,676.00	24,620,676.00	-
<b>Total Revenues</b>	<b>\$ 25,496,608.00</b>	<b>\$ 25,726,917.10</b>	<b>\$ 230,309.10</b>
<b>Expenditures:</b>			
Recreation-Stadium			
Stadium Equipment & System Improvements	\$ -	\$ 90,000.00	\$ 90,000.00
Other Recreation-Stadium Expenses	591,136.00	591,136.00	-
Transfers to Other Funds			
Transfers to Special Revenue Funds	-	99,646.10	99,646.10
Other Transfers to Other Funds	1,023,869.00	1,023,869.00	-
Capital Outlay-(Non-recurring)			
Economic Development Reimbursement	478,811.00	519,474.00	40,663.00
Other Capital Outlay-(Non-recurring) Expenses	90,000.00	90,000.00	-
Total Other General Fund Expenses	23,312,792.00	23,312,792.00	-
<b>Total Expenditures</b>	<b>\$ 25,496,608.00</b>	<b>\$ 25,726,917.10</b>	<b>\$ 230,309.10</b>

**7. Consider Approval of Special Events Permit-Freedom Classic.....Tim Dilday**

Tim Dilday, Interim Police Chief, stated the event will take place February 21 through February 23.

Councilmember Swinson made the motion, seconded by Councilmember Aiken and upon a unanimous vote [4-0] the special events permit was adopted.

**CITY MANAGER’S REPORT**

**1. Eastern Carolina Council on Governments.....Tony Sears**

Tony Sears, City Manager, stated the ECC asked the City to become a member. The dues to join would be approximately \$7,200. Mr. Sears suggested the decision could be discussed during the budget retreat.

**2. Emma Webb Update.....Corey Povar**

Corey Povar, Recreation Director, stated staff is working on a grant application for funds to address Emma Webb. Mr. Povar stated the process would require public meetings and direction from the council.

**CITY ATTORNEY’S REPORT**

The City Attorney had no report.

**MAYOR AND COUNCILMEMBER REPORTS**

Councilmember Hardy stated there is a GED Program, Monday through Friday 9am-1pm, at Lovitt Hines.

**CLOSEED SESSION**

Councilmember Swinson made the motion to enter closed session pursuant to NCCGS 143-318.11(a)(6), seconded by Councilmember Aiken and upon a unanimous vote [4-0] the City Council entered into closed session at 7:59 pm.

Councilmember Aiken made the motion, seconded by Councilmember Suggs and upon a unanimous vote [4-0] the City Council returned to open session at 8:04 pm.

**ADJOURNMENT**

Councilmember Swinson made the motion, seconded by Councilmember Aiken and upon a unanimous vote [4-0] the City Council meeting adjourned at 8:04 pm.

Respectfully submitted,

Joanna Rose, Deputy City Clerk