

Minutes
Kinston City Council
Tuesday, January 16, 2018
Work Session at 5:30 pm · Regular Meeting at 7:00 pm

Mayor Don Hardy called the City Council Work Session to order at 5:32 pm.

Those present: Councilmembers Robert Swinson, Sammy Aiken, Joseph Tyson, Kristal Suggs, Mayor Pro Tem Felicia Solomon and Mayor Don Hardy

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

Adoption of the Agenda

Councilmember Tyson made the motion, seconded by Mayor Pro Tem Solomon and upon a unanimous vote the agenda was adopted.

ITEMS FOR DISCUSSION

1. Queen Street Update.....Tony Sears

Tony Sears, City Manager, stated we have been working on Queen Street to replace the water and sewer infrastructure. Essentially Queen Street is done, except for minor work on South Queen and the area North of Vernon Avenue. All of the water lines have been done and the sewer contractor has been delayed due to the weather, but they will get started Monday. This has been an ongoing project starting with the NCDOT’s Queen Street bridge replacement project. Adam Short, Planning Director, has been working with Stewart Engineering on a plan. There are going to be some extremely large numbers, but that is not what we are proposing. Stewart Engineering will provide all of the information and City Council can pick and choose to get what you want within the budget. We don’t have a dollar amount at this point. We are probably several steps away from making any big decisions. Queen Street is a North Carolina Department of Transportation (NCDOT) road, and they have funding to pave Queen Street. They are waiting for the City to make decisions. Some decisions can be made sooner rather than later to allow NCDOT to determine when to start paving Queen Street.

Adam Short, Planning Director, stated there has been a lot of public input effort done through different partnerships leading up to this point for North and South Queen Streets. We did projects with NC State, NEA Our Town Grant, Artscape Vision Plan and our Comprehensive Land Use Plan, all with public input aspects to help build this initial viewing.

Mr. Sears stated we will discuss the bridges and the Highway 70 bypass which is a different project at a later date. The theme with Queen Street will help with the bridge and the bypass.

Mr. Short stated Jeff Lackey with NCDOT will make a presentation in couple of months.

Christopher Miller, Project Manager and Landscape Architect with Stewart Engineering, showed the study area starting at the Music Park north to Washington Avenue. We have been studying the urban form of Kinston.

Councilmember Tyson asked why the project stopped at Washington instead of Vernon. Mr. Miller stated initially we were asked to focus on Queen from the Music Park to Blount Street at the railroad, but we wanted to extend it out to the library. The ideas can be extended, but we focused on density and retail for walkability. We reviewed all of the existing studies. Our Mission and Purpose Statement is "Create a master plan streetscape design that envisions the city's success and supports the goals of the community to guide its decision-making process. Through arts, economics, cultural heritage and importance, as well as complete street standards our approach looks to embrace the city's legacy and enable its growth to accelerate". He showed slides of downtown Greenville, South Carolina and New Bern, North Carolina and pointed out the different types of trees, street building separation, etc.

Mr. Sears pointed out that you don't have to have just one uniformed type of tree.

Brian O'Haver, Landscape Architect with Stewart Engineering, stated it is very important to provide shade where people can hang out and be comfortable.

Mr. Miller stated there are opportunities for pocket alley parks which offer more depth.

Councilmember Aiken asked how long for the trees to mature and what is the required maintenance. Mr. Miller stated it takes many years for the trees to mature. Holly trees are opaque and will drop berries and evergreen drop leaves all of the time instead of all at once. In our discussions, every tree will have an outlet for holiday lighting. Mr. Sears stated there are alternatives to soften it with rope lighting or up lighting.

Mr. Miller stated North Queen Street has more continuous retail frontage and South Queen Street has missing teeth. North Queen has surface lots that are behind businesses and on South Queen there is less consolidated parking lot. The Music Park helps anchor South Queen in terms of open public space. South Queen has a lot more potential due to the open spaces.

Mr. O'Haver stated this is about urban form and the massing. There is economic opportunity.

Mr. Miller stated the strategies we put in place for North Queen could extend as the infield comes on board. We want to knit the improvements around the utilities infrastructure. Some of our ideas include extending the curb line, widen the sidewalks, a traffic diet to reduce Queen from four lanes to two lanes, head in angle parking, soft scape planting areas, improve cross

walks and signalization and improve street lighting. In the design, we have put more trees at the intersections and added mid-block crossings.

Councilmember Aiken expressed concern about the angle parking and the senior citizens being challenged with backing out into traffic. Mr. Miller stated we are trying to slow traffic down with the crosswalks and with the road diet.

Councilmember Swinson asked if the road diet would get 18 wheelers off of Queen Street. Mr. Miller stated the truck route is King to the roundabout. There are no NCDOT plans to get 18 wheelers off South Queen Street.

Mayor Hardy clarified that the proposed road diet stops at Blount Street instead of Vernon. Mr. Miller stated that is correct, and this study only takes it up to Blount Street. Mr. Sears stated he does not think it is NCDOT's intention to take the road diet all the way to Vernon.

Mr. Short added that in the initial planning, NCDOT felt for the safety aspect that the railroad crossing needed four lanes so it creates a natural transition. Numbers could be extrapolated to go to Vernon or further, but that is up to City Council.

Mr. Sears stated that NCDOT reported the traffic count that goes through North Queen Street suggests that we could do a two lane road and NCDOT could remove stoplights on Queen Street for better traffic flow. You can't do the road diet on South Queen due to the truck traffic

Mayor Hardy asked what will be the speed limit and other safety issues on Queen Street. Mr. Sears stated that would be up to NCDOT. This presentation is just for the streetscape.

Mr. O'Haver stated research shows with the road diet, larger trees and angled parking, accent paving, etc. there is a natural tendency to slow down. The hope would be that by providing the improvements it reduces the speed and the awareness of the driver.

Mr. Sears stated another benefit of diagonal parking is the two for one parking.

Mayor Hardy asked how many parking spaces will there be. Mr. Short stated the initial estimate was 1.8 per space, so it almost doubles the parking.

Mr. O'Haver stated we have made the design to go around the existing utilities. In some areas we proposed relocating street lights. The overarching idea is that there is continuity along the entire street and throughout all of the intersections.

Mr. Miller stated it will be multi-mobile transportation with shared street conditions. There are in-fill opportunities such as pocket parks to invigorate the street scape and bring artistic

components to it. We met with Vickie Scurry about her ideas and the arts plan, and we looked along the street for opportunities to implement those. There are walls that could be painted with murals visible from north and south. For other façade improvements there is seating and public art, especially in the in-fill opportunities. We broke the project into five phases, but they do not have to be done in order and could be in different sequence. One phase would be trees and lights and they need to occur together. Lights could be relocated, re-lamped with LED and add a shield to redirect the light towards the ground to get rid of light pollution towards the sky. Another phase is the sidewalk paving. Many places are fine and some is broken and needs to be replaced. There are some inlays that exist from years back that need to be maintained and celebrated. We have included various options from concrete to pavers along the curb or just at the intersections, etc. Phase three which may be preferred as phase one to work with the NCDOT paving schedule in 2019, and the curb would need to be reconfigured. Phase four includes furnishings, bike racks, way finding signage, benches, etc. Benches and furniture are a good way to engage the local artists. The final phase is high visibility crosswalks.

Mr. Miller showed slides of the various cost estimates of each phase for North and South Queen Street: North Queen Street total range is \$2,159,744 to \$4,472,790; South Queen Street total range is \$1,470,958 to \$2,403,493; Totals for both North and South Queen Street estimates are \$3,630,702 to \$6,876,283. There is cushion in contingency in terms of design, escalation, etc.

Mr. Sears stated these are not solid numbers. There are a lot of options and opportunities. We have to figure out how we are going to work with NCDOT and making a firm decision on two lanes versus four lanes. If City Council selects two lanes, then the next step is to determine how and where the curb and bump outs will be before NCDOT paves. Design elements that give you visual improvements and that don't cost a lot of money are the items that should be done.

Mayor Pro Tem Solomon asked how long before NCDOT begin work on the bridge and the lights. Mr. Sears stated NCDOT is ready to begin on the bridge. We can have them here to do a presentation at the next meeting. They can be in and out before we get started because they have the money and the plans. They are ready to go. There are three levels of upgrades available.

Mayor Pro Tem Solomon stated when you cross the bridge on South Queen, especially at night, it is absolutely beautiful. She would love to see something at the entry way of South Queen where people are coming into the city. She hates to see the entryway in such desolate repair. Mr. Sears stated if you take the Cadillac version that NCDOT is going to unveil for Highway 70 and the bridge, it will solve that. The entranceway is going to be signature.

Councilmember Tyson stated NCDOT has the plan and dollars. We have a plan, but no dollars. Last year we put more money in the budget for street repaving and demolition. We are changing the priorities. Queen Street needs to be done but we don't have enough money for infrastructure. With the loss of revenue due to the decrease in property value from the revaluation and the loss

due to the de-annexation of Hillcrest, where will the City get \$3 to \$6 million for Queen Street? People shouldn't think that we will be able to do Queen Street within the next five to six years because we don't have the money. This is not to be negative, just realistic.

Mr. Sears stated we have an upcoming presentation on needs for Hardee Road infrastructure which was destroyed from the ice and cold weather and we will need \$1.5 million to rebuild it. My counter for Queen Street is that we have one opportunity to do a small portion of it. Once the opportunity dissipates and NCDOT paves, doing a portion of the project would be cheaper and easier now. It will not be near \$6 million, but if you don't do a few of the item, then moving forward with Queen Street will be beyond five years. Councilmember Tyson is correct, we used over \$1 million from the General Fund Fund Balance to balance the budget for this year. These are going to be really hard decisions for the City Council to make and there are other projects on the horizon including \$1.5 million ladder truck and there are other things that have to happen.

Councilmember Tyson clarified that he is not against the plan or the concept, but something is going to have to be given up in order to do it. Also, we should have a group of experts to determine what the best options are for the project.

Mr. Sears stated we are not near \$3 million, we will be more \$1 million or less when we think about the things that need to happen now so that NCDOT can pave. City Council can form a subcommittee to make recommendations or he, Adam and the Stewart Engineering can narrow it down. We can narrow down a plan to less than \$1 million that is mission critical, then the subcommittee could review and make recommendations.

The City Council gave their consensus for staff to pare down the options and present what is essential to the project that will allow NCDOT to start their paving process.

Mr. O'Haver thanked the City Council for their time.

Mr. Short encouraged the Mayor and City Council to review the numbers and let staff know what items they like or dislike.

RECESS

Mayor Hardy recessed the work session at 6:50 pm.

REGULAR MEETING

Mayor Don Hardy called the regular City Council meeting to order at 7:04 pm.

Mayor Pro Tem Felicia Solomon led the prayer followed by the Pledge of Allegiance.

MINUTES

Consider approval of the minutes of the City Council meeting held Tuesday, January 2, 2018Monique Hicks

Mayor Pro Tem Solomon made the motion, seconded by Councilmember Swinson and upon a unanimous vote the minutes were approved.

ACTION AGENDA

1. Consider approval of the amendment of Article IV, Section 4 of the Code of Ordinance related to adequate shelter for animals.....Alonzo Jaynes

Alonzo Jaynes, Police Chief, stated we are seeking approval to amend Article IV, Section 4 of the Code of Ordinance related to adequate animal shelter. We had a couple of cases involving dogs that were kept outside during extremely cold and hot conditions, and the SPCA contacted us. The issue of the ordinance is that the definition of adequate shelter is broad. We would like to amend our ordinance to be similar to Lenoir County’s which was amended October 2017. A closed structure would be defined as an enclosed structure with four sides, a water resistant roof, and a solid floor that provides adequate protection from the elements. Owners will also be required to provide dry bedding in the shelter and make certain that the dogs have enough room to sit, lay and sleep. This doesn’t change our ordinance, only gives it clarity so that our Animal Control Officer can enforce it. In the proposal I suggested it be effective February 1st, but we are asking that this be effective March 1st. Initially, we were going to ask for tethering regulations to be inserted, but we want to work on the language for a later date.

Mayor Pro Tem Solomon asked why March instead of February. Chief Jaynes stated it would allow dog owners time to make changes for the new guidelines.

Councilmember Tyson confirmed that there will be an additional amendment. Tony Sears, City Manager, stated this will address housing and we will come back to address tethering.

Councilmember Tyson introduced the following amended Ordinance:

**AN ORDINANCE TO AMEND CHAPTER 18, ARTICLE 4, SEC. 4-61
ANIMAL CONTROL PROVISIONS OF THE CODE OF ORDINANCES**

Proper shelter – An enclosure/structure constructed with at least four (4) sides, a roof, and a solid floor that provides adequate protection from the elements: heat, cold, wind, rain, and frozen precipitation. The shelter shall have a water- resistant roof. If the

shelter is made of wood, the floor shall be at least two inches above the ground. One (1) of the four sides of the shelter must have an opening large enough to allow the dog to enter and exit easily. The interior space of the shelter shall be large enough to allow the dog to assume normal sitting and sleeping positions and the ability to freely and comfortably stand up and turn around. Dry bedding such as hay, straw, wood shavings, or cloth material shall be provided and periodically replaced. Additionally, the dog must have access to shade from May through September for protection from the heat if the shelter is not located in a shaded area. Shade may be provided by a tree or tarp. A barrel may be considered adequate shelter if the previous conditions are met in addition to the following requirements: it must not sit directly on the ground; the open side (entrance) must be tilted at least two (2) inches lower than the back to prevent puddling of rain in the interior; and it must be secured to prevent rolling or instability. The following methods of housing/sheltering a dog are considered inadequate, but they may be used by the animal for temporary shade: underneath outside steps, decks, or stoops; underneath vehicles including trailers and campers; and underneath sheds, barns, and houses. Entanglement of a tethered animal's restraint when the animal is using any of these methods of temporary shade shall be prevented. Uninsulated plastic airline or transport kennels/carriers shall not be considered as an adequate method or type of shelter for outside use.

Effective March 1, 2018, dog owners or people in possession of a dog determined by a Kinston Police Department Animal Control Officer to be in violation of this amendment will be allowed up to thirty (30) calendar days to comply with the amendment upon issuance of a dated notice of the violation.

Mayor Pro Tem Solomon made the motion, seconded by Councilmember Swinson and upon a unanimous roll call vote the Ordinance was amended.

2. Consider approval to submit an application for the 2018 Governor's Crime Commission Juvenile Justice Grant.....Alonzo Jaynes

Alonzo Jaynes, Police Chief, stated we are seeking approval to apply for a grant from the Governors Crime Commission. We have communicated to the public our desire to be community focused and transparent. We have facilitated meetings throughout the community and we have discussed topics including crime rates and Know Your Rights sessions. The Kinston Community Relations Team held a Know Your Rights panel discussion yesterday and they had a great turnout and great dialogue; however, we cannot be as effective as we would like because of staffing and our other duties. We have been meeting with UN50. Their mission is to improve relationships between police and the community. Historically, they have educated citizens on their civil liberties and encouraged citizens to follow the process if they are dissatisfied with the police. If we can encourage our citizens to comply and complain at a later date, it protects our citizens, our police and reduces use of force incidents. Our only request is to apply for the grant in the amount of \$100,000. This grant falls under the goals to reduce the disproportionate minority contact. The more people we educate, the less encounters people have with the police, and less people being charged by the police. UN50 with Major Spencer have completed most of the paperwork. UN50 will plan, schedule and facilitate community meetings throughout the City. A portion of the funds will help us provide Implicit Bias training for our police administrators, public officials and community members. We have met with school administrators and members of the court and they all agree with this and support the strategy which includes facilitating some of these meetings inside of the schools.

Councilmember Swinson made the motion, seconded by Councilmember Tyson and upon a unanimous vote the grant submission was approved.

APPOINTMENTS

1. Consider the reappointment of Joe Hargitt for a second term through June 2019 to the Kinston-Lenoir County Tourism Development AuthorityTony Sears

Tony Sears, City Manager, stated that Laura Lee Sylvester submitted a request asking that Joe Hargett be reappointed for a second term. Councilmember Tyson is the City Council’s appointment to that board.

Councilmember Tyson stated that Mr. Hargett has done a super job. He is the manager and owner of King’s. These appointments are made based on where you are in the tourism industry. He supports Mr. Hargett’s reappointment.

Councilmember Tyson made the motion, seconded by Mayor Pro Tem Solomon and upon a unanimous vote the reappointment was approved.

CITIZEN COMMENT

Jerry Henderson, President of the SPCA Board, stated he has spoken to most of the City Council many times. He thanked the City Manager and Police Chief for addressing the situation of adequate housing for dogs. Every time you have bad weather, we have animals suffering and this will let law enforcement understand what they can do. Tethering goes deep and there is discussion that needs to take place. Delaying the implementation is good because people have to budget and save to provide the adequate housing. A lot of cities have an Animal Advisory Panel that are advocate for animals. Orange County implemented something on tethering that took a year to put in place. If the City decides to go in that direction, the SPCA will be 100% in support and will help any way we can.

Councilmember Tyson shared that the City has a Dangerous Dog Appeal Committee and suggested the possibility of expanding that committee to include ideas from the SPCA.

CITY MANAGER’S REPORT

Tony Sears, City Manager, stated Hardee Road has been paved several time over the past 20 years and the fundamental problem is the subsurface which is clay dirt. The alligator cracking allows water to get to the subsurface and freeze. The asphalt expands and contracts which breaks up the asphalt and vehicles cause it to become more damaged.

Rhonda Barwick, Public Services Director, stated we have spent a lot of time fixing pot holes and cracks on Hardee Road and this past snow event was catastrophic to Hardee Road. The clay beneath the surface does not drain well along with the length of Hardee Road. There is very

little slope so the moisture does not have a way to escape so it freezes again and again. It has been resurfaced, but it only last two to three years. At this point Hardee Road is not a resurfacing project, it is a reconstruction project. Carey to Vernon Avenue will cost \$1.5 million.

Brian Lucas, Water Resources Manager, showed pictures of the alligator crackings and stated that is what 85% of Hardee Road looks like. The subgrading is failing, and the patching is at a loss. The asphalt is 1"-1.5" thick and there is no rock underneath, so its like asphalt laying on top of a mattress. 1700 and 1600 blocks are beyond the point of patching or repair. The asphalt and subgrade have to be taken out, and it needs a good sandy-clay subgrade that will drain. We have some drainage problems on Hardee Road. We need a good 8" stone base. 1.5" asphalt will not facilitate commercial traffic, so we need a heavy duty asphalt design. We broke Hardee Road into 4 section; from Carey to Sedgefield is \$300, 000, Sedgefield to Essex is \$343,000, Essex to Windsor is \$344,000 and Windsor to Vernon \$493,000. The prices include the undercutting, building the subgrade, the stone base and a heavy duty asphalt design. Heavy duty asphalt design has a 2.5" binder coarse and then 1.5" of surface. The worse places are the 1500 block to the 2100 block.

Mr. Sears stated the typical annual budget for resurfacing has been \$200,000 a year. This year we budgeted \$550,000 and that will not fix the problems we have on this road. This is a solution that needs to happen sooner rather than later.

Councilmember Tyson stated this is a safety issue. We need to look at it as a long term project. People will try to sue the City for their alignments and balances. He recommended the money come from the General Fund Fund Balance.

Mr. Lucas added that staff patched every pothole Saturday and showed a photo of the road where new potholes have surfaced two days later.

Mayor Hardy asked how long the project will take. Mr. Lucas stated the construction will take longer because it is a residential area, they will have to do the undercutting and build the sub-grade block by block. Residents will not be able to drive in the area during the construction and will be inconvenienced by parking on side roads and not being able to get their cars up to their homes. We will try to have it passable at least every other evening which will create a slow down in the schedule. It will be inconvenient for residents and will take approximately 4 months.

Councilmember Tyson asked if anything can be done about the flooding at Whitehall. Mr. Lucas stated the 1600 block of Hardee Road is the worse when it comes to drainage and there is zero percent fall on the curb and gutter. There are some things that can be done to get drainage, but the problem was the development. All the homes are 3-4 feet higher than the road and all of the ground water goes to the road. Unfortunately the drainage pipes are just underneath the asphalt, so to try to get fall is very difficult. We can make it a little better, but it will drain slowly. There

is nothing major that can be done unless you tear out several blocks and put hills and valleys which could cost another \$1 million.

Councilmember Aiken asked if there are other roads in similar condition. Mr. Lucas stated not with the clay dirt and the high residential and commercial traffic that Hardee Road carries. Mr. Sears added that people will start avoiding Hardee and putting more stress on secondary roads that are not designed to handle high volumes of traffic.

Mayor Pro Tem Solomon asked how long before the project can start. Mr. Lucas stated a bid package has to be put together, sent out and returned, and that will take approximately 45 days.

Councilmember Swinson confirmed the current estimated cost is an in-house estimate and the cost could come back higher or lower. Mr. Lucas stated that is correct. The numbers he used are numbers they have typically seen for paving, subgrade and milling work. Soil stabilization is something that we do not do a lot, but we have talked to contractors and received some very close unit prices.

Councilmember Tyson asked how much money is being taken out of the General Fund Fund Balance for Emma Webb. Mr. Sears stated Emma Webb has not been solved and it may be a casualty of Hardee Road. Emma Webb will cost \$700,000 and staff was looking at borrowing the money and will look at borrowing money for this project as well. It cannot all come from Fund Balance which is currently in the mid 30% range. Funds are still trickling in from FEMA reimbursements. We have to figure out how to do this project as well as how to pay for a new ladder truck. Hardee Road will be a four to six month project. Our Budget Administrator and Finance Director will have to work on borrowing the money. This will affect the \$550,000 budgeted for street resurfacing this year and how it will be funded next year.

James Cauley, City Attorney, stated to move forward we need a motion to solicit bids and bring a contract back and at that point financial decisions can be made.

Mayor Pro Tem Solomon asked how many of the roads on the street resurfacing list have been resurfaced. Mr. Lucas stated the resurfacing project has not been started yet. Typically December through March 15th is the shutdown time and NCDOT does not allow paving during those times.

Mayor Hardy asked when the project will start. Mr. Lucas stated we will send out bid packages, get them back and give notice to proceed. It will be the first to mid part of March. Mr. Sears stated asphalt will not be needed until the last month. The first part of the project is rebuilding the subsurface. Mr. Lucas stated that is correct. You rebuild all of the subsurface and then pave the whole street at one time. This alleviates the cold joints and doesn't allow water to get in.

Mayor Pro Tem Solomon stated she was surprised that other roads have not been paved since the additional funding was approved. Mr. Sears explained that it has been the City's practice to do resurfacing in the spring. The budgets are approved for July 1st, and then the year is closed out, then staff has to survey and compile the list for City Council approval which was approved at the meeting in November.

Mayor Pro Tem Solomon asked if the City paves from March to August. Mr. Sears we pave until the money runs out or until June which is the end of the fiscal year. Mr. Lucas stated our contracts have always been 60 days. They are let around March 15th and completed by May 15th.

Rhonda Barwick, Public Services Director, stated for clarification from the time City Council approves the list, staff works on compiling the bid package for the streets to be paved and it should be almost done. There is a lot of time between when the City Council approves the streets until the time the vendors actually receive the bid packages to provide pricing, but the process has been moving forward.

Mayor Hardy stated that paving the roads is a priority from citizens who he encounters. We will have to find or borrow money to pave the roads.

Councilmember Aiken asked when is the strategic planning or budget meeting. Mr. Sears stated March or April.

Councilmember Tyson made the motion, seconded by Councilmember Swinson and upon a unanimous roll call vote the motion was approved to solicit bids for Hardee Road.

CITY ATTORNEY'S REPORT

The City Attorney had no report.

MAYOR AND COUNCILMEMBER REPORTS

Councilmember Aiken asked for an update on repaving Vernon Avenue. Brian Lucas, Water Resources Manager, stated that NCDOT does not have it on their paving schedule as of right now, but we can inform our Division Maintenance Engineer, and see if we can be done.

Mayor Hardy thanked everyone for attending and thanked Mr. Jerry Henderson with the SPCA. We are working diligently to see what we can do and how we can do it. He thanked the Streets Division for what they are doing. We must continue to work together so that we can make the City better.

ADJOURNMENT

Councilmember Swinson made the motion, seconded by Mayor Pro Tem Solomon and upon a unanimous vote the meeting was adjourned at 7:51 pm.

Respectfully submitted,

Monique Hicks, City Clerk