

Minutes
Kinston City Council
Monday, March 19, 2018
7:00 pm

REGULAR MEETING

Mayor Don Hardy called the Kinston City Council meeting to order at 7:02 pm.

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

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

Those absent: Councilmember Kristal Suggs

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

Adoption of the Agenda

Mayor Hardy stated a resolution authorizing the sale of real estate will be added to the action agenda.

Councilmember Swinson made the motion, seconded by Councilmember Tyson and upon a unanimous vote [Councilmember Kristal Suggs was absent.] the agenda was adopted with the addition.

CITIZEN COMMENT

Dr. Joseph Askew stated that he would like to request that the historical property at 607 East Gordon Street and 110 Trianon Street be removed from the condemnation list. He showed photos of improvements made to the property which is being done in phases. It is listed in Washington, DC as a historical building. He presented a document from the North Carolina Cultural Resources State Historical Preservation office. The property was listed as the Lossie G. Askew Day Care Center which was one of the first minority non-profit day care centers. We wish to rehabilitate it and renovate it. We have already started working on the project and we have spent thousands of dollars on material. Rails have been painted, shrubbery has been cut, windows have been put back in the front window. It will be used as a community center for the poor and low income people. It can house 18-20 people. The building was built by JW Black who was one of the leading agricultural men. We are preserving his name which is in the walkway of the property. The building is not a bad building and it should be renovated.

Mayor Hardy stated staff will send someone out to re-inspect the house in its current condition, and the City will try to assist you in getting what you need.

Danny Webb, Queen Street Property Owner, stated we have purchased property on South Queen Street. We have no big plans and no intent to get rich off of the property, but we are trying to make an impact on the community. We don't have a lot of money to do a lot of things, but we have put in a lot of sweat equity, and look to be a good neighbor to the community.

Councilmember Tyson asked which properties were purchased. Mr. Webb stated 209-215 South Queen and we look to expand our footprint on that block.

Councilmember Tyson stated the City really appreciate individuals coming to help elevate the City and thanked Mr. Webb.

PRESENTATION AND RECOGNITIONS

1. St. Baldrick's Proclamation.....David Ricke, Jean Culbreth & Ralph Culbreth

Jean Culberth stated this is our seventh annual fundraiser. To date, we have raised over \$102,000 for St. Baldrick. St. Baldrick is the number one private funded source for research for childhood cancers. In the last 30 years, two new drugs have come out for treatment of childhood cancers, and they have been funded by the St. Baldrick's foundation. Hopefully, next Tuesday, we will have over 120 people ranging from little children, women and men who will "Rock the Bald". Team Kinston is the largest team so far and we have 25 members. She presented bracelets and pins to the Mayor, City Council and staff. The event will be held at East Coast Wings, next Tuesday night from 5pm – 9pm.

Mayor Hardy read and presented a proclamation.

2. SWAT Team Recognition.....Major Cary Barnes

Cary Barnes, Police Major, stated they would like to recognize the hard work and dedication that the two of our officers have shown over the years. They don't want to be recognized, but we wanted to recognize them for the service that they have provided. Captain Milton Kivett has been a SWAT operator for at least eight years and Captain Stephen Reavis has been an operator for seven years. They never complain, they leave their families and protect the citizens and other places that call upon us. They never complain when they are wearing 65 pounds of equipment on a 95 degree day. They never complain when they are wearing 65 pounds of equipment climbing seven flights of stairs. They never complain when they are called at 1:00 in the morning and asked to be at a location no questions asked. They show up ready to go every time. The Police Department staff is very proud of them. He read the plaque and he and Captain Rodney Thompson presented the plaques.

Mayor Hardy congratulated the officers.

3. Special Presentation.....Senator Don Davis and Mayor Hardy

Don Davis, North Carolina Senator, thanked the City Council for their comment to the City of Kinston. We are here to recognize someone for their distinguished service, and he asked Levi Simmons come forth. He also asked that fellow law enforcement join Mr. Simmons and his

family and friends. He stated he and Mayor Hardy wanted to do something special to recognize Mr. Simmons and his commitment to justice for all and not just those words in our pledge, but remembering every day the oath that he knows he has had to uphold and he did it well.

Lieutenant Levi Simmons had over 50 years of service, the longest serving, certified active officer in the State of North Carolina. Levi is truly the American story. He started out as a young kid shining shoes, he went on to clean up in the police department and someone saw something in him and realized that not only did he have the capability of cleaning those cells, but he could be a police officer to serve and protect, and he went on to do that. Ms. Willie Mae [Simmons' mother] is very proud, and she has been the angel watching over his back every step of the way. He has worked his way up through the department and through the ranks over his career, becoming a Lieutenant, serving as a school resource officer and taking on the gangs. We can't say thank you enough for all that he has done. The story is if you work hard, try, if you want to make a difference in your community, you can do it. What model of an example not only for law enforcement officers, but for the entire community and those in the State.

Senator Davis continued and stated he came to present the award at the request of Mayor Hardy, in communication with the Governor, the highest award that we award to citizens of this State for their extraordinary service, and that is the Order of the Long Leaf Pine. He shared a list of individuals who have received the award including, Oprah Winfrey, Maya Angelo, Coretta Scott King, Billy Graham, Andy Griffin, Michael Jordan and Richard Petty. In the Ring of Honor we are adding Lieutenant Levi Simmons. He read the plaque and added on behalf of the Governor, the Senate, the House of Representatives, the City of Kinston and all ten million plus residents, we are so proud of you and we celebrate you for your service. Thank you for upholding the words of Ms. Willie Mae "continue to show the mercy and kindness of God to everyone." You have done it well.

Levi Simmons stated, "50 years ago, I never thought this would happen, but my mother always told me to do good things and good things will come to you, and this is a good thing. If it wasn't for God, I would not have been there for 50 years. I appreciate all of the help from everybody, from my family for supporting me, all of my friends, pastors, police department, city government, school officials and the kids in the community are number one. Thank you, I love you and I will remember this for as long as I live."

MINUTES

Consider approval of the minutes of the Kinston City Council meeting held Monday, March 5, 2018.....Monique Hicks

Mayor Pro Tem Solomon made the motion, seconded by Councilmember Swinson and upon a unanimous vote [Councilmember Kristal Suggs was absent.]the minutes were approved.

ACTION AGENDA

1. Conduct a Public Hearing AND consider approval of a Conditional Use Permit application from Donnis Whitfield to operate a nightclub at 317 East Gordon StreetAdam Short

Adam Short, Planning Director, stated at the request of the applicant, Donnis Whitfield, has asked that we continue this until the first meeting in April. He recommends handling this so that the public hearing does not have to be re-advertised.

James Cauley, City Attorney, suggested that the public hearing be opened and continued.

Mayor Hardy opened the public hearing for anyone wishing to speak in favor of or in opposition.

Councilmember Tyson made the motion to continue to public hearing until the first meeting in April, seconded by Councilmember Aiken and upon a unanimous vote [Councilmember Kristal Suggs was absent.] the public hearing was continued.

2. Consider adoption of a resolution authorizing the sale of real property located at 221 South Queen Street and 223-227 South Queen Street for \$3,000 to Danny Webb, Jr.....James Cauley

THIS ITEM WAS ADDED TO THE AGENDA.

James Cauley, City Attorney, stated we did not receive any upset bids. There were easements and stormwater infrastructure, and the information has been shared with Mr. Webb. The resolution which includes the terms of his offer has been given to City Council. The property will be sold subject to the existing easement and stormwater restrictions.

Councilmember Aiken made the motion, seconded by Mayor Pro Tem Solomon and upon a unanimous vote [Councilmember Kristal Suggs was absent.] the following resolution was adopted.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KINSTON
AUTHORIZING SALE OF REAL PROPERTY**

WHEREAS, the City of Kinston is the owner of the hereinafter described real properties in the City of Kinston, Lenoir County, North Carolina, bearing Lenoir County Tax Parcel no. 452571314920 and 452571313877, and being the properties located 221 S. Queen Street and 223-227 S. Queen Street, Kinston, North Carolina; and

WHEREAS, the City Council of the City of Kinston has no further need or use for said properties, and it would be in the best interests of the citizens of the City of Kinston for said real properties to be sold by the negotiated offer, advertisement and upset bid method; and

WHEREAS, a notice was published in the Kinston Free Press, setting forth the offer to purchase said real properties for a purchase price of Three Thousand Dollars, (\$3,000.00); and

WHEREAS, the public notice invited other individuals and entities to increase the bid, and more than ten (10) days have lapsed since the notice was published in the Kinston Free Press and no one has increased the bid, and the City Council desires to confirm and approve the sale.

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

- 1. The sale of the hereinbefore real properties to Danny L. Webb, Jr. is hereby ratified and affirmed with the selling price being Three Thousand Dollars, (\$3,000.00).
- 2. The City Attorney shall cause a deed to be prepared from the City of Kinston to Danny L. Webb, Jr. or his assigns, subject to all existing easements and encumbrances thereon.
- 3. That the Mayor and City Clerk shall execute said deed and such other documents as may be necessary on behalf of the City of Kinston to accomplish this transaction.

3. Consider adoption of an Ordinance to amend the FY 2017-18 Operating Budget
**Donna Goodson**

Donna Goodson, Finance Director, stated we have a request for amendments in the Wastewater Fund to replace sewer pipe near the Woodmen Center and an amendment in the Electric fund for maintenance work for generators at Lenox and West Pharmaceuticals.

Councilmember Aiken asked if three bids were received for the sewer project. Rhonda Barwick, Public Services Director, stated bids were received and Mr. Hughes was the lowest responsive bidder. Councilmember Aiken expressed concerns about past work they have performed. He asked if there is any insurance. Tony Sears, City Manager, stated there is not and asked if Councilmember Aiken was asking to remove Charles Hughes from future bids. Councilmember Aiken stated no he is not. He wants the City’s money to be spent wisely and not pay double for services.

Mayor Pro Tem Solomon stated City Council would like to know what the other companies bid.

Mayor Hardy stated if it is an emergency repair, will we need to meet before the next meeting. Mr. Sears stated he has the information from staff. The lowest bid is \$294,294 from Charles Hughes Construction, \$298,000 from Tripp Brothers, \$310,397 from Ernie Everett and \$355,000 from T.A. Loving.

Councilmember Tyson made the motion to accept the bid in order to proceed with the work. Councilmember Tyson restated his motion to separate the two budget ordinances from the contract work, seconded by Councilmember Swinson [Councilmember Kristal Suggs was absent.] and upon a unanimous vote the motion was approved.

Mayor Pro Tem Solomon stated because of the sense of emergency, we have to get it done because the problem will become worse. She does not want to negate Councilmember Aiken questioning the contractor so that we can make an informed decision.

Councilmember Tyson made a motion to approve the contract, seconded by Councilmember Swinson and upon a MAJORITY roll call vote [Councilmember Kristal Suggs was absent; and Councilmember Aiken voted no.] the contract was approved.

Note: *The final action on this item was taken at the end of the meeting.*

- 4. Consider approval of a three year contract with Rives and Associates, LLP for auditing services in the amounts of \$43,338, \$44,538 and \$45,838 respectively, beginning with the fiscal year ending June 30, 2018 and authorize the City Manager and Finance Director to execute the contract.....Donna Goodson**

Donna Goodson, Finance Director, stated we are asking for a one year contract. The contract must be approved by the Local Government Commission (LGC) before any work can begin.

Mayor Pro Tem Solomon made the motion, seconded by Councilmember Tyson and upon a unanimous vote [Councilmember Kristal Suggs was absent.]the contract was approved.

APPOINTMENTS

- 1. Consider three appointments to the Recreation Commission to serve three-year terms beginning April 2018 through March 2021.....Galen Treble**

Galen Treble, Interim Parks and Recreation Director, stated that he and Chairperson Nicholas Harvey would like to nominate James Sylvia, Rosalyn Yaris, and Sonya Berry.

Mayor Pro Tem Solomon made the motion to appoint the three individuals, seconded by Councilmember Aiken and upon a unanimous vote [Councilmember Kristal Suggs was absent.] the appointments were approved.

CITY MANAGER’S REPORT

Tony Sears, City Manager, stated former City Councilmember Bobby Merritt complimented the Police Department on their new police cars.

Mr. Sears stated the City Council retreat will be held at the Public Services Complex on Friday, April 6th at 10 am.

CITY ATTORNEY’S REPORT

James, Cauley, stated a closed session will be needed on a litigation matter and a real property matter.

MAYOR AND COUNCILMEMBER REPORTS

Councilmember Swinson stated he attended a job fair at Lenoir Community College. There were a lot of employers, but not much citizen participation.

Mayor Hardy thanked everyone for attending the meeting. He thanked the Fire Department for their assistance, the good job and great teamwork they displayed at Lenoir Healthcare.

Mayor Hardy stated, "Life's most persistent and urgent question is, what are we doing to help others." Dr. Martin Luther King, Jr.

CLOSED SESSION

Councilmember Swinson made the motion to enter closed session pursuant to NCGS 143-318.11(a)(3) and (6), seconded by Councilmember Aiken and upon a unanimous vote [Councilmember Kristal Suggs was absent.] the City Council entered into closed session.

Councilmember Tyson made the motion, seconded by Councilmember Aiken and upon a unanimous vote [Councilmember Kristal Suggs was absent.] the City Council returned to open session at 8:46 pm.

ACTION AGENDA ITEM 3 CLARIFICATION

James Cauley, City Attorney stated there seems to be a question for item 3 on the action agenda and he asked Councilmember Tyson to clarify his motion.

Councilmember Tyson made the motion to approve the budget ordinance, seconded by Councilmember Swinson and upon a unanimous vote [Councilmember Kristal Suggs was absent.] the following budget ordinance was approved.

**AN ORDINANCE AMENDING THE ANNUAL
OPERATING BUDGET**

WHEREAS, the City Council adopted the annual operating budget on June 19, 2017 authorizing appropriations for the Wastewater Fund, and Electric 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 Wastewater Treatment fund in the Wastewater Fund to replace a 500 foot section of ductile sewer pipe near the Woodmen Center. This will be funded with an appropriation of Capital Outlay – Sewer Lines and Fund Balance, and

WHEREAS, it is necessary to appropriate funds in the Electric Operations fund in the Electric Fund to provide maintenance service to generators provided to Lenox and West Pharmaceutical. This will be funded with an appropriation of Distribution Contracts and Miscellaneous Revenues.

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:

Wastewater Fund	Current Budget	Amended Budget	Increase (Decrease)
Revenues:			
Appropriated Fund Balance	\$ 428,120.00	\$ 722,420.00	\$ 294,300.00
Total Other Wastewater Revenues	6,097,100.00	6,097,100.00	-
Total Revenues	\$ 6,525,220.00	\$ 6,819,520.00	\$ 294,300.00
Expenditures:			
Wastewater Treatment			
Capital Outlay - Sewer Lines	\$ -	\$ 294,300.00	\$ 294,300.00
Total Other Wastewater Treatment Expend.	2,401,296.00	2,401,296.00	-
Total Other Wastewater Fund Expend.	4,123,924.00	4,123,924.00	-
Total Expenditures	\$ 6,525,220.00	\$ 6,819,520.00	\$ 294,300.00

Electric Fund	Current Budget	Amended Budget	Increase (Decrease)
Revenues:			
Miscellaneous Revenues	\$ -	\$ 31,100.00	\$ 31,100.00
Total Other Electric Revenues	49,674,939.71	49,674,939.71	-
Total Revenues	\$ 49,674,939.71	\$ 49,706,039.71	\$ 31,100.00
Expenditures:			
Electric - Operations			
Distribution Contracts	\$ 5,000.00	\$ 36,100.00	\$ 31,100.00
Total Other Electric Operations Expend.	3,970,486.71	3,970,486.71	-
Total Other Electric Fund Expend.	45,699,453.00	45,699,453.00	-
Total Expenditures	\$ 49,674,939.71	\$ 49,706,039.71	\$ 31,100.00

ADJOURNMENT

Councilmember Swinson made the motion, seconded by Mayor Pro Tem Solomon and upon a unanimous vote [Councilmember Kristal Suggs was absent.] the City Council meeting adjourned at 8:48 pm.

Respectfully submitted,

Monique Hicks, City Clerk