

**Minutes  
Kinston City Council  
Monday, March 20, 2017  
(5:30 Work Session Canceled)  
Regular Meeting at 7:00**

Mayor BJ Murphy called the regular City Council meeting to order at 7:01 pm.

Mayor BJ Murphy led the prayer followed by the Pledge of Alliegance.

Those Present: Councilmembers Sammy Aiken, Wynn Whittington, Joseph Tyson and Mayor BJ Murphy

Those absent: Councilmember Felicia Solomon and Mayor Pro Tem Robert Swinson

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

**ADOPTION OF THE AGENDA**

Councilmember Tyson made the motion, seconded by Councilmember Aiken and upon a unanimous vote the agenda was adopted.

CITIZEN COMMENT

MINUTES

**Consider approval of the minutes of the City Council meeting held Monday, March 6, 2017  
.....Monique Hicks**

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

ACTION AGENDA

**1. Consider approval of the audit contract with Martin Starnes and Associates in the amount of \$43,250 for the FY 2017 audit.....Catherine Gwynn**

Catherine Gwynn, Finance Director, stated we are asking for your consideration to approve the audit contract for the FY 2017 as per the RFP done last year.

Councilmember Aiken made the motion, seconded by Councilmember Whittington and upon a unanimous vote (Councilmember Solomon and Mayor Pro Tem Swinson were absent.) the audit contract was approved.

**2. Consider the award of a bid to Barnhill Contracting in the amount of \$187,595, with a \$12,405 contingency, for the 2016-17 Street Resurfacing project...Rhonda Barwick**

Rhonda Barwick, Public Services Director, stated in February, City Council discussed the streets that were being considered for resurfacing using this year's budgeted funds of \$200,000. We received five bids on March 8<sup>th</sup>, and the lowest bidder was Barnhill Contracting. The contingency could be used for additional resurfacing at the same unit price if we are able to negotiate that with Barnhill.

Bill Ellis, Parks and Recreation Director, stated we would also like to consider the stadium parking lot which is in pretty bad shape from spidering cracks. The cracks can be sealed with tar and that should extend the life of the pavement at the stadium for around five years. If the contingency isn't used, we would like to tar the parking lot at Grainger Stadium.

Mayor Murphy asked the expected cost. Mr. Ellis stated the bid was \$17,000 and it could be covered by the renovation funds.

Tony Sears, City Manager, stated the City will seal the cracks, but if the \$12,000 contingency funds can be used, then we won't have to use the renovation money, so whatever money is left over from the street resurfacing, we would like to transfer over to help with the costs to sealing the stadium's parking lot.

Councilmember Tyson made the motion, seconded by Councilmember Whittington and upon a unanimous vote (Councilmember Solomon and Mayor Pro Tem Swinson were absent.) the bid award was approved and left over contingency funds will be used for the stadium's parking lot.

Councilmember Whittington asked about the status of the Saltwood Products site. Mr. Ellis stated it will remain as gravel. We have worked an agreement with Coastal Wholesalers to gravel the parking lot behind the stadium which provides an additional 75-100 spaces, and we are trying to get another area to gravel.

Councilmember Aiken asked about previous resurfacing and caving on Lenoir Avenue. Mrs. Barwick stated Lenoir Avenue was a sewer project so the ground underneath had been disturbed where the water and sewer lines had been pulled out. It was paved, not resurfaced, and we had to go back to make it more sound. This bid award is only resurfacing for the roads that have not been disturbed.

Mayor Murphy asked the cost to resurface Grainger Stadium's parking lot and how long will the seal last. Mr. Ellis stated he guess it would be in the \$200,000 range. Sealing the parking lot should last about five years.

**3. Consider approval of the Police Vehicle Take Home Program .....Alonzo Jaynes**

Alonzo Jaynes, Police Chief, stated this is a proposal to modify our vehicle take home program. After reviewing responses, officers' home locations and our retention efforts, we believe that it is beneficial to extend our take home vehicle policy by moving the boundaries from the Lenoir County line to 30 miles from the City. Our current policy only benefits those officers who live in the County. If you live outside of the County, you are not authorized to take your assigned vehicle home. By modifying the program, it is a win-win situation for our officers and for the City of Kinston. Our officers are charged \$30 per month to transport their vehicles to their residence, so if we increase the number of officers taking their vehicles home, we also increase funds to offset maintenance and gas costs. It is likely to help us attract and retain qualified officers. As police leaders, we have to be assertive in our efforts to bring those individuals to our department. This is a positive tool in a very competitive market. We have lost a significant number of officers to other agencies because they could not turn down the take home vehicle incentives. It will also allow us to better respond to emergency situations. We have a duty to serve and protect and this will allow us to carry out those duties in a more timely fashion. This is an investment that doesn't compare to the money that we lose when we hire, train, and educate officers who then go to other agencies. Our officers will encounter things to and from home which means we will have more officers on the street. We can go back to the original program after this has been assessed if we feel the need to do so.

Mayor Murphy asked if this will put a burden on vehicle replacement. Chief Jaynes stated we have about 20 officers who live outside of the County and ten of those live in close proximity to the County line, so we are talking about 10 officers. We have a strict policy so those officers will be directed to park the vehicle at their residences, they cannot use the vehicle for personal use, so if any, it will be a low impact.

Councilmember Tyson suggested that Chief Jaynes be prepared to receive calls from citizens complaining about a Kinston police vehicle being outside of the County.

Mayor Murphy stated we have to do what we can to offset the starting wages to compete with our neighbors who tend to pay more. This seems like a reasonable policy.

Councilmember Tyson confirmed that the City pays for the police vehicles to be washed once a month. Chief Jaynes stated officers tend to take better care of the vehicles when vehicles are assigned to them.

Councilmember Tyson made the motion, seconded by Councilmember Whittington and upon a unanimous vote (Councilmember Solomon and Mayor Pro Tem Swinson were absent.) the policy change was approved.

**4. Consider the award of a bid to Court One in the amount of \$190,943 to rebuild the tennis courts at Bill Fay Park.....Bill Ellis**

Bill Ellis, Parks and Recreation Director, stated Lenoir County Schools awarded us \$50,000, the USTA gave \$20, 000, the NC Tennis Association gave \$10,000 and Lenoir County gave \$10,000 to construct new tennis counts at Bill Fay. We are asking for approval of the bid award.

Councilmember Whittington asked about the low bid company. Mr. Ellis stated Court One is one of the premier tennis court companies in North Carolina. All of the bids came in a little high, so recreation staff will do some of the work to reduce the cost. We will start construction the first week of May and complete them by summer.

Councilmember Whittington made the motion, seconded by Councilmember Tyson and upon a unanimous vote (Councilmember Solomon and Mayor Pro Tem Swinson were absent.) the bid award was approved.

**Grainger Stadium Renovations Update**

Bill Ellis, Parks and Recreation Director, stated staff received the CO for the concession stand, so they will move into the concession stand on time. All of the construction has moved forward very well. The warehouses have been torn down and the parking lots have been laid out. Ticket sales have been great, and we are hoping to hit 200,000. The stadium looks really good, the locker room renovations went great, roofs are on the batting cages. We will start replacing the lights Monday. There is a new walk-in freezer to be put together. Two of four speakers have been installed for the sound system. There is a new amplifier and controls. There are 12 foot ceiling fans with LED lights in each section in the grand stands. The gift shop has been redone. There is cool signage to show team spirit near the restrooms, the concession areas, and on the back of the grand stands. We have a lot of Wood Ducks facts. The Tourism Development Authority board has funded a marquee for Vernon Avenue. The big billboards and boxed seats are sold out. The exhibition game will be played on April 3<sup>rd</sup> and April 10<sup>th</sup> is opening night.

**5. Consider setting three public hearings for Monday, April 17, 2017.....Adam Short**

Adam Short, Planning Director, stated he has three requests for public hearings on April 17<sup>th</sup> at 7:00 pm. We have a request for annexation for Andover Park apartments on Daly Waldrop Road, a rezoning at 608 North Queen Street from B-2 to B-1 and a rezoning for 1208 North Queen Street from residential to mixed use, office and institution.

Councilmember Aiken made the motion, seconded by Councilmember Tyson and upon a unanimous vote (Councilmember Solomon and Mayor Pro Tem Swinson were absent.) the public hearings were set for April 17, 2017.

**CITY MANAGER'S REPORT**

Tony Sears, City Manager, reminded City Council of the retreat scheduled for Sunday, March 26, 2017 at 2:00 pm at the Public Services Complex.

Mr. Sears stated that staff has received a quote to put the Wood Duck logo on the water tank for approximately \$13,000 which would come from fund balance.

Councilmember Tyson made the motion, seconded by Councilmember Aiken and upon a unanimous vote (Councilmember Solomon and Mayor Pro Tem Swinson were absent.) the City Council approved \$14,000 to have the Wood Duck logo put on the water tank beside Grainger Stadium.

Mr. Sears stated there is one building left at the Saltwood Products site. Adam Short has been working with the Arts Council to put together an RFP to determine the cost to do a mural on the building. We do not know the picture or the cost at this time, yet it could possibly cost \$50,000 to \$70,000, but we will bring this item back to City Council once we know more.

Councilmember Tyson stated there are no large signs saying Welcome to Kinston coming into Kinston from Highway 70. When we look at the plans for Queen Street, we should also include large signs saying Welcome to Kinston on West Vernon Avenue.

Mr. Sears stated he has asked Stewart Engineering to look at the entrance on Highway 70, just west of Chick-Fil-A and at the split, for a low cost design.

#### CITY ATTORNEY'S REPORT

James Cauley, City Attorney, stated in February City Council adopted a resolution establishing legislative priorities, but it did not include requests for relief from flooding given we have had three significant floods as the result of Hurricanes Fran, Floyd and Matthew. This resolution is solely focused on flooding. The difference in this resolution and actions taken in the past is our government was focused on mitigation, but this resolution asked that the focus be placed on control and stopping the flooding and implementation of control measures that have been studied over the years, but never put in place. He pointed out that just from Matthew the economic loss has exceeded \$1.5 billion. He read the resolved portion of the resolution.

Mayor Murphy stated we have had citizens ask what are we going to do, but a lot of it is in the hands of our federal and state legislatures. We have a lot of options and they are very expensive. I have spoken to Representative Graham and he is very supportive of the concept. We will present this in Raleigh at Town Hall Day next week.

Councilmember Tyson asked if it would be advantageous to coordinate with Goldsboro to have a dual resolution.

Mayor Murphy stated the City Attorney drafted this resolution with the goal of inserting other municipalities and counties. The more of a regional support, the better chance we have at getting something done.

Councilmember Aiken made the motion, seconded by Councilmember Tyson and upon a unanimous vote (Councilmember Solomon and Mayor Pro Tem Swinson were absent.) the following Resolution was adopted:

**07-2017**

**RESOLUTION REQUESTING GREATER EFFORTS  
TO AVOID FLOODING IMPACTS WITHIN THE LOWER NEUSE BASIN**

WHEREAS, the Neuse River Basin encompasses 74 municipalities and 19 reservoirs and drains land from 18 of North Carolina's counties covering approximately 6,234 square miles, totaling nearly 4 million acres; and

WHEREAS, roughly one-sixth of the state's population lives within the Neuse River Basin; and

WHEREAS, the cities of Kinston and Goldsboro, both adjoining the Neuse River, experienced severe flooding in 1996 due to Hurricane Fran which brought floodwaters exceeding flood stage by 9 feet and 12 feet respectively; and

WHEREAS, in July 1997, the United States Army Corps of Engineers received authorization to conduct a study on flood risk management, environmental protection and restoration, and related purposes for the Neuse River Basin; and

WHEREAS, in September 1999, Hurricane Floyd caused a second round of flooding which devastated portions of eastern North Carolina located along the rivers, particularly the Neuse River which crested at 13.7 feet above flood stage in Kinston, and caused an estimated \$3 billion dollars' worth of damage, damaged more than 56,000 homes, and resulted in 1,500 floodwater rescues in eastern North Carolina; and

WHEREAS, the state and federal response to this catastrophe was the permanent displacement of homes, families, and businesses through a buy-out program which caused significant harm to the cities, counties, and communities affected, such as the predominantly minority community of Lincoln City in Kinston, where long-time neighbors, often generational, were forced to part ways to start new lives in new neighborhoods; and

WHEREAS, in 2012, the USACE presented findings from the study authorized in 1999 to the Civil Works Review Board and concluded that USACE lacked interest in Flood Risk Reduction at the time, citing steps being taken by the North Carolina Department of Emergency Management (NCDEM) and Federal Emergency Management Agency (FEMA) to reduce flooding losses through floodplain mapping, emergency preparedness and response, risk communication and a flood-prone structure buy-out program; and

WHEREAS, the USACE report suggested the expenditure of more than \$38 million dollars for environmental restoration measures but failed to request any funds to reduce the risk of flooding for those living and working along the Neuse River; and

WHEREAS, in October of 2016, areas along the Neuse River were once again devastated as a result of flooding precipitated by Hurricane Matthew; and

WHEREAS, the estimated flood damage from Hurricane Matthew exceeded \$1.5 billion dollars resulting in damage to more than 100,000 homes, destroying entire towns and taking at least 28 lives; and

WHEREAS, the record setting flooding caused by Hurricane Matthew, which crested at 14.3 feet above flood stage, did not occur until several days after the hurricane had passed as accumulated rainfall in the higher elevations of the state made its way toward the coast; and

WHEREAS, the relatively flat terrain of eastern North Carolina slowed the fast moving waters coming from higher elevations causing a significant increase in both the depth and breadth of the Neuse River from Smithfield through Kinston as the river reached record heights and overflowed its banks, inundating a record number of properties with floodwater; and

WHEREAS, the recent impact of Hurricane Matthew to counties, municipalities, businesses, and residents located along the Neuse River indicate that the efforts taken by the NCDEM and FEMA were insufficient to prevent or significantly reduce the amount of damage sustained as a result of Hurricane Matthew; and

WHEREAS, it is now apparent that mapping, emergency preparedness and risk communication did little to prevent the damage incurred by Hurricane Matthew; and

WHEREAS, the use of flood control measures have proven successful as demonstrated by estimates calculated by the USGS such as the study that concluded that the installation of Falls dam reduced the frequency of flooding experienced as a result of Hurricane Fran from once every 10-25 years to once every 50-100 years; and

WHEREAS, the use of flood control measures could have prevented, or significantly reduced the extent of damage caused by Hurricane Matthew.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Kinston does hereby request that the State of NC and the appropriate federal agencies engage, develop and financially support greater efforts to avoid devastating damages to persons and property in the Lower Neuse Basin through the implementation of flood control measures and that specific consideration be given, but not limited, to (1) construction of flood control reservoirs along the Neuse River, (2) identification of alternative water supplies for the City of Raleigh that would allow lowering of Falls Lake during times of anticipated flooding, (3) additional mitigation by NCDOT to address significant stormwater impacts from highway construction and (4) active “snag, drag and dredge” operations within the Neuse River and its tributaries to reduce obstructions to flow and removal of materials that would impact the flood level of the River.

BE IT FURTHER RESOLVED that this Resolution shall be provided to all members of the General Assembly and to the Congressional delegation for the State of NC and that the City’s staff and legal counsel are directed to work with such persons as needed to accomplish the flood reduction measures set forth herein.

COUNCILMEMBER REPORTS

Mayor Murphy stated he attended the Finer Womanhood Banquet hosted by the local chapter of Zeta Phi Beta Sorority where Councilmember Solomon was recognized for her work in education.

ADJOURNMENT

Councilmember Whittington made the motion and upon a unanimous vote (Councilmember Solomon and Mayor Pro Tem Swinson were absent.) the City Council meeting was adjourned at 7:47 pm.

Respectfully submitted,

Monique Hicks, City Clerk