

**Minutes
Kinston City Council
Monday, May 15, 2017
7:00 pm**

Mayor BJ Murphy called the regular City Council meeting to order at 7:00 pm.

Councilmember Joseph Tyson led the prayer followed by the Pledge of Allegiance.

Those present: Councilmembers Sammy Aiken, Wynn Whittington, Felicia Solomon, Joseph Tyson, Mayor Pro Tem Robert Swinson and Mayor BJ Murphy

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

ADOPTION OF THE AGENDA

Mayor Murphy stated a closed session will be added. Councilmember Tyson made the motion, seconded by Mayor Pro Tem Swinson and upon a unanimous vote the agenda was adopted.

CITIZEN COMMENT

Geraldnye Barbour, 2749 Forrest Drive, Chairperson for the African American Heritage Commission of Kinston and Lenoir County, stated the organization is carrying out measures to help them reach their mission which is to preserve and protect and promote African American historical sites, history and arts and culture in Lenoir County. During the Memorial Day weekend, they will present Kinston’s second annual Funk Festival. She provided the schedule of events for the weekend. A tribute will be made to Robert Dick Knight. Tickets are \$30.

Mayor Murphy read and presented a proclamation for Robert Dick Knight.

PRESENTATIONS AND RECOGNITIONS

Kinston Police Department Sentinels.....Alonzo Jaynes

Alonzo Jaynes, Police Chief, stated we are recognizing some of the most courageous people in the City, our sentinels who patrol unarmed and volunteer countless hours making sure that our city is safe. We are proud of all of the work that they do. They spend so much time patrolling and checking the welfare of our citizens. They take volunteerism to the next level. They help the police department accomplish their goals by being their eyes and ears. The Sentinel program started in 1995 and over the years the program has won numerous awards. Governor Easley awarded them for superior community police partnership and the enhancement of community oriented policing. They were also selected as the North Carolina Crime Prevention Division’s Award for Excellence. From 1995 to 2016 they have donated more than 64,000 hours and driven more than 361,000 miles. Their contributions are priceless to the City of Kinston and its

citizens. Since the inception of the program there have been 40 Sentinels and currently there are 5 serving. We are fortunate to have citizens in our community who are so selfless.

Major Tim Dilday and Major Cary Barnes presented Service Certificates of Appreciations to Joe Forkyl for 5 years, Joe Dunn for 14 years, Leo Pate for 21 years, Gene Rybolt for 21 years and George Ivey, Charter member, almost 22 years.

Mayor Murphy stated the City really appreciates the service the Sentinels provide.

MINUTES

Consider approval of the minutes of the City Council meeting held Monday, May 1, 2017
.....**Monique Hicks**

Councilmember Tyson made the motion, seconded by Councilmember Whittington and upon a unanimous vote the minutes were approved.

ACTION AGENDA

1. Consider setting a public hearing date for Monday, June 19, 2017 to receive public comments regarding the removal of five active traffic signals.....Clarice Bryant

Clarice Bryant, Civil Engineer II, stated at the last City Council meeting [May 1, 2017] we presented the traffic signal report that outlined the five signalized intersections that we are recommending the removal of the traffic signals: McLewean and Peyton, Caswell and Independence, Caswell and Adkin, East and Washington, East and Bright and removal of the bagged light at Adkin and Tower Hill.

Mayor Murphy confirmed notices will be sent. Mrs. Bryant stated notices will be sent to the property owners within a two block radius. There will be a sign posted at the intersection that indicates the light is being considered for removal and the date of the public hearing. Anyone who goes through the intersection will have the opportunity to make comments during the public hearing.

Councilmember Aiken stated he received a call from a lady who opposes a couple of the lights being removed. Mrs. Bryant stated the notices will list a telephone number where citizens can call and voice their concerns.

Councilmember Whittington made a motion, seconded by Councilmember Solomon and upon a unanimous vote the public hearing date was set for June 19, 2017.

DEPARTMENT UPDATES

1. Kinston Fire and Rescue Update.....Don Crawford

Don Crawford, Fire Chief, stated the Fire and Rescue Department took delivery of the new fire truck on Friday, May 5th. He thanked Commander Hobbs, Captain Cannon, Commander Maness (retired), Captain Scufari and Firefighter TJ Howard who were on the Truck Committee and who provided the specifications for the truck. They did a tremendous job. The truck is a 2017 Pierce Ultimate Configuration (PUC). It is a new concept for our fire department. The unit has a shorter wheel base which is beneficial to have something that could maneuver well and with increased storage space. It should be in service within the next two to three weeks. He thanked City Council for their support.

Councilmember Tyson asked where the truck will be stationed. Chief Crawford stated it will be at Station 1. The 2010 will be repositioned to Station 3.

2. Parks and Recreation Update.....Bill Ellis

KaBoom Grant and Playground for Pearson Park

Bill Ellis, Parks and Recreation Director, introduced Yolanda Munoz and stated we received a KaBoom grant. This is a national organization that puts sponsors and parks departments together to build community-built playgrounds. Thanks to Ben Knight and Vivian Howard [Chef and the Farmer] and their relationship with BlueCross BlueShield, we received \$150,000 KaBoom grant to build a playground along the Riverwalk. We also had money from the Parks and Recreation Trust Fund (PARTF). It will be next to the building next to the former Big D Tires [Mitchell Street near North Street]. He showed several slides of the proposed park. It will be a state-of-the-art playground and handicap accessible. There will be a Loch Neuse Dragon as part of the theme. There will be a concrete wall that goes along the Riverwalk. This is BlueCross BlueShield’s 10th anniversary building these playgrounds and Ben Knight is going to design a mosaic for the wall. We will have 250 volunteers to build the playground in six hours. The park will bring around 350 people each weekend. The build day is Thursday, June 22nd.

Yolanda Munoz, Parks and Recreation, showed a video from BlueCross BlueShield, and stated that she is responsible for working with children and getting them to exercise for one hour five days a week. She will work with children ages 5-12 to encourage them to be active for six weeks. On build day she will work with Judy Ellis and Flimsy the Clown to have activities for the children to play. She is hoping to partner with city and county children and they will receive a certificate for their involvement on build day for leading some of the activities.

Mr. Ellis stated this is a great opportunity for the City of Kinston. We are one of five cities across the United States, the only one in North Carolina that has received this grant. It will be a unique program. We will have Astroturf under the playground instead of wood chips.

Mayor Murphy asked about the Vietnam Veterans Memorial at the park. Mr. Ellis stated it is being moved to the Nature Center at their request a year ago. Half of it has already been moved.

Mayor Murphy asked if the city keeps wood chips on hand for the playgrounds. Mr. Ellis stated wood chips are expensive and we don't do a good job at replacing them as we need to do. We have replenished most of them this year.

Councilmember Tyson asked about a permanent bathroom and when will parking be addressed. Mr. Ellis stated his goal is to put restrooms in after this project. The plans aren't concrete, but we would like to have a container bathroom and a concession area. Hopefully, we will end up with a giant waterfall with a water feature near the Arts and Cultural district. The project is very fluid.

Councilmember Aiken asked when the dragon and zip line will be completed. Mr. Ellis stated we have to do the park first on June 22nd, and the dragon will be in phase 2. The goal is that everything will be done by September. We are still working on the zip line concept.

Councilmember Whittington thanked Yolanda Munoz, Kevin Albritton, Robert Blake and others who went away for a while, but who have come back home.

Skateboard and Bike Park

Mr. Ellis stated we met with the State, and they have in principle agreed that we could locate the skateboard park at the former Ram Neuse Gunboat site on Vernon Avenue next to Woodmen. This would give us more reason to complete Phase 2 and 3 of the Riverwalk and connect it to downtown Kinston without having the skateboards and bicycles on the streets. It would also give us the opportunity to convert the former gunboat shelter into a great picnic shelter which would be a 150 foot picnic shelter. It would bring the picnic shelter and the Riverwalk to life and give people a reason to want to be on the Riverwalk. Other communities with Riverwalks are successful when they put features on both ends and in the middle. The communities around us who have skateboard parks have been very successful. The Legislature has passed legislation that a city or county cannot be sued as long as a reasonable job is done at maintaining them. It gives us an opportunity to put in some alternative recreation for children we don't do a good job of reaching.

Kevin Albritton stated he has wanted to do this for almost 20 years. He moved away about 10 years ago and now he has moved back. He has spent the last 20 years riding BMX which is the bike riding side. He began travelling to Raleigh and Cary to go to their skate parks. At 15 years old, he started riding with the BMX ministry. He also toured the country doing NBA and NFL half time shows for King Promotions. He has a deep love for riding bikes and a heart for Kinston. Now is the perfect time because Kinston has the means, leadership and growth to fit the need. Kinston is changing for the better. There have been many additions for adults to go downtown to dine and hear live music and there are great parks, but there is a lack for the 12-18 year olds. This falls in line with the disc golf course. There weren't many players when it was first built, but now we have the Kings Cup and it is a very popular venue. Skate parks provide physical activity for kids who are not able or interested in participating in traditional team sports,

and provide safe and challenging place for riders to develop as athletes. Skateboarding and BMX has over 14 million participants. Riders build a sense of ownership by having their own local skate park. Public skate parks provide healthy activity to eliminate boredom, drug and alcohol use. One of his friends is one of the best builders in the world. He has built ramps for X-Games, Dave Mirra's private facility and other locations. He is willing to come help us build ours within our budget and get us one of the best facilities in Eastern North Carolina, maybe in the state. There are grants, including Tony Hawks which will give up to \$25,000. Ten to fifteen year ago skate parks were greater liability, but as of 2009 as long as there is properly posted signage, the City would not be liable.

Bert Stadem stated he has seen the bicycle trend come and go. Currently skateboarders and riders are riding, but they are in places they should not be. It would be safer to get the kids off the streets and out of pedestrian walkways and get them into a park. We are focusing on the 12-17 years old group back to doing something active. This would be good for Kinston and Lenoir County. If we do it right, we would have people coming from all over Eastern North Carolina.

Councilmember Tyson stated he spent 20 years traveling to BMX tracks. His oldest son was number one in the state when he was 16. Raleigh had a very nice BMX dirt track. This is one of the most fun things for a family to do.

Mayor Murphy asked if they were asking for anything. Mr. Ellis stated in the budget, we requested \$50,000 from the City, \$50,000 from Lenoir County Commissioners and we have asked the group to fundraise to raise at least \$20-\$30,000. There are three possible locations, the former Ram Neuse Gunboat site, the Dog Park and Emma Webb. It would be done in stages. We would open it this year, and add to it by doing fundraisers, tournaments and special events, similar to what we did with the disc golf course. We will provide the basics and the group will provide all of the icing.

Councilmember Whittington asked if it could go under the shelter. Mr. Ellis stated one possibility would be to put it under the shelter and the other one would be to remove the shelter. Part of the arrangement with the State is we would remove the shelter if they allow us to put in a skateboard park. The state wants to get more use of the park. Mayor Murphy confirmed that we have a 20 years lease with the State for the parking. Mr. Ellis stated we would enter into a new agreement for the shelter. This would not cost us anymore. We are already maintaining the site. We have permission to put in a canoe ramp and camping sites. We don't have permission to do a picnic shelter or skateboard park, but the State is willing to work with us. Mayor Murphy asked who would own the property. Mr. Ellis stated it would be a Kinston-Lenoir County Parks and Recreation lease. It will not be staffed, no fees, just with signage.

Councilmember Solomon asked what will be the material of the ramps. Mr. Albritton stated cement is expensive, so it would be treated wood with a layer of skatelite on top.

Mayor Murphy asked if approved in budget, what will be the maintenance. Mr. Albritton stated that the maintenance is very minimal, and he estimates maybe around \$1,000 a year and it should last for 20 years.

Councilmember Tyson asked if we still have competitive Frisbee disc golf. Mr. Ellis stated the East Cup is coming in 2 weeks, and there will be 140 disc golfers. We have a Wednesday afternoon league and five or six tournaments throughout the year. We have committed to build the Joel Smith Disc Golf #2 Course on flood property behind the former Sportland Bowling Alley, and it should be finished this summer.

Mayor Pro Tem Swinson asked the amount of the KaBoom grant. Mr. Ellis stated it is \$150,000, they charge an administrative fee. We have \$175,000 from PARTF and we will put lighting along the Riverwalk from the King Street bridge to where it ends now. We will also install two overlooks, shade canopies and the playground.

CITY MANAGER’S REPORT

1. Pride of Kinston Agreement.....Tony Sears

Tony Sears, City Manager, stated at the last meeting [May 1, 2017], I provided the proposed contract with the Pride of Kinston. Chairperson Leraime Tolston and Vice Chair Bert Stadem are present. We have been talking about this contract since December and Pride has already approved their portion.

Bert Stadem, Pride Board of Directors Vice Chairperson, stated our last Executive Director resigned and we ran into some budget issues. We had a group from Duke University to draft this contract for the City of Kinston to assume the responsibility of Executive Director and Administrative Assistant, and the funding the Pride normally receives from the City will be cut in half. He or she will assume other responsibilities downtown. A lot has gone on with the Hurricane Matthew recovery which caused a delay, but we are ready to move forward.

Mr. Sears provided a summary of the agreement. Pride will receive \$43,000 instead of \$86,000 to offset the employee cost. Pride would continue with full ownership and liability of the Enterprise Center and will continue to make the full debt payment until the note is satisfied. We will attempt to find a management contract which has been an issue. The Enterprise Center has had a large impact on the Pride’s budget. None of this will transpire until July 1, 2017. Ultimately, the City Manager will have the discretion to hire and fire a new director with the consultation with the Pride Board of Directors. He noted that Exhibit A1 notes that the individual will do economic development on behalf of the City and Exhibit A2 are the responsibilities on behalf of Pride.

Mayor Murphy stated this is a win-win-win for the City, Pride and the citizens of Kinston. For Pride it helps stabilize the organization, for the City it expands our ability to recruit and retain small businesses in and outside of the MSD area. It is nice to see everyone on the same page in government. He thanked staff, Pride’s Chairperson, Vice-Chair and the Executive Assistant.

Councilmember Tyson made the motion to approve the agreement, seconded by Councilmember Whittington.

Councilmember Aiken stated that he received comments from local merchants that the low rent at the Enterprise Center was in competition with them.

Mayor Murphy stated that he has heard similar comments, but with the Kinston Enterprise Center there is a loan that has to be repaid but there are ways to work through those issues.

Mr. Sears stated the City will have the exact same relationship with the Enterprise Center. Pride has expressed that they would like to revisit the agreement that had to be in place as required by the State of North Carolina now that this Pride agreement has taken place.

After a motion and second and unanimous vote the City Council approved the agreement.

Police Department Update.....Alonzo Jaynes
(This item was added to the Agenda.)

Alonzo Jaynes, Police Chief, stated we had several incidents this weekend. He wanted to assure everyone that the investigation is a top priority, and the investigators have been working around the clock. Friday around 5:40 pm we had a shooting into an occupied resident on Carey Road. Two people were inside the home asleep and five people in a parked vehicle in the driveway. Unknown persons opened fire and the five people in the vehicle provided very little information. Saturday a person was shot at 702 Joyner Drive, Apartment D and we do have leads. Early Sunday around 1:43 am we had a homicide at the Camelot Lounge. Initially officers were responding to shots fired. Upon arrival they were unable to connect anyone to the disturbance, but shortly afterwards they received a report from UNC Lenoir hospital that they had two gunshot victims. Hours later we learned that one of the victims had passed. We conducted canvases and later we received information from the hospital. ALE has informed me that the owner of Camelot Lounge voluntarily surrendered his ABC permit and he has been cooperating with the investigation. We have a community meeting scheduled at Jack Roundtree at 4:30 pm. We have received one call through our tips line, confidential informants have reached out to us and some concerned citizens. Victims have been slowly cooperating or not at all.

Councilmember Aiken stated most clubs take the precaution to make sure guns aren't inside their clubs, so most of the time the incidents occur in the parking lot afterwards. Is it fair for the business owner when incidents occur in the parking lot? Chief Jaynes stated that is a very good point and we had a discussion about that, and we have identified gaps where we can work with the business owner to manage the environment. The business owners can give the Police Department a Consent Waiver which means when individuals are congregating in the parking lot we would have the authority to either ask them to leave or to go inside the place of business. There are opportunities to work together and take a collaborative approach.

Mayor Murphy asked who takes the ABC licenses. Chief Jaynes stated it depends on the scenario, but in this instance, as a gesture of cooperation the owner surrendered his license while we investigate this case.

Councilmember Solomon stated this is unfortunate and we appreciate when any citizen assist the police. We are very pleased with Chief Jaynes and his efforts to make our community safer.

When we fail to communicate what we know we do an extreme disservice to each other. There is something wrong when we remain silent and we give more heart to a code that says “no snitching” and our love is greater to people who care nothing about you or your children and will allow you to take a bullet. She encourages the community to care enough to share what they know. We have a good police department. They are developing strong relationships and we could get more accomplished if we serve with them and truly care about our community. It is very sad when parents are concern about children going out to play because the other adults won’t tell what they know.

COUNCILMEMBER REPORTS

Councilmember Aiken reiterated about Funk Fest during Memorial Day weekend. This is the second year and we are looking forward to growth and want citizens to support the event.

Councilmember Solomon asked for an update on the Housing Rehab program at the next meeting.

Mayor Murphy stated that Thursday he will host the Metro Mayors Coalition in Kinston. We are not large enough to qualify for membership, but this group consists of Mayors from Charlotte, Asheville, Chapel Hill, Rocky Mount, Fayetteville and other large cities. This puts a stamp of approval that people want to be here. They will start the morning in Greenville and in the afternoon they will come to Kinston. We will do a tour and have dinner here.

Councilmember Whittington asked for an update on the visit to Washington DC.

Mayor Murphy stated it was a productive visit. It may literally take an act of Congress to do what we want to do. It will not happen overnight. Grifton has also passed a Resolution for flood prevention. Each member of Congress helped us with a different piece of the puzzle. One thing that is beneficial is that several of them were here during the flooding of Matthew. The Manager and I have an upcoming meeting with the Army Corps of Engineers. The day we were there was the day that we were getting water from the rain event which was the 6th largest flood we have had. It will be one step at a time. We are getting good feedback from legislatures in Raleigh. We are hoping for some language for a study bill, so we will continue the dialogue.

CLOSED SESSION

Mayor Pro Tem Swinson made the motion, seconded by Councilmember Solomon and upon a unanimous vote the City Council entered into closed session pursuant to North Carolina General Statute 143-318.11(a) (4) at 8:24 pm.

Councilmember Tyson made the motion, seconded by Councilmember Whittington and upon a unanimous vote the City Council returned to open session at 9:16 pm.

ADJOURNMENT

Councilmember Whittington made the motion, seconded by Mayor Pro Tem Swinson and upon a unanimous vote the City Council meeting adjourned at 9:16 pm.

Respectfully submitted,

Monique Hicks, City Clerk