

Minutes
Kinston City Council
City Hall · 207 East King Street
Monday, May 18, 2020
Work Session Cancelled Regular Meeting at 7:00 pm

Handicapped parking and access ramp are available for the Independence Street entrance.

THIS MEETING WAS CONDUCTED ELECTRONICALLY IN ZOOM FORMAT AND CAN BE VIEWED AT THE CITY OF KINSTON'S WEBSITE AND FACEBOOK PAGE

REGULAR MEETING

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

Councilmember Sammy Aiken delivered the prayer, followed by the Pledge of Allegiance.

Councilmember Roll Call

Present: Councilmembers Sammy Aiken, Kristal Suggs, Antonio Hardy, and Robert Swinson

Debra Thompson explained how the public can access a form for Citizens Comments through the website. The link is posted under the new form and read on alert on the City's website (ci.kinston.nc.us) and the link to the form is <http://ci.kinston.nc.us/FormCenter/City-Clerk-Forms-11/Citizens-Comments-106>

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

Absent: Mayor Pro Tem Felicia Solomon

Adoption of the Agenda

If a Councilmember wishes to revise the agenda, the Motion to add or delete an item will be entertained prior to Adoption of the Agenda.

Councilmember Suggs made the motion, seconded by Councilmember Aiken and upon a roll call vote (Councilmembers Aiken, Suggs, Hardy, and Swinson – Yes) [4-0], the agenda was adopted.

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.

Please visit: <http://ci.kinston.nc.us/FormCenter/City-Clerk-Forms-11/Citizens-Comments-106> to complete a comment form prior to the scheduled Council Meeting. The form expires two (2) hours before the meeting.

There were no citizen comments.

MINUTES

Consider approval of the minutes of the City Council meeting held on May 4, 2020 -----Debra Thompson

Councilmember Swinson made the motion, seconded by Councilmember Suggs and upon a roll call vote (Councilmembers Aiken, Suggs, Hardy, and Swinson – Yes) [4-0], the agenda for City Council meeting held on May 4, 2020, was approved.

(THE FOLLOWING MOTION CLARIFIES THE PREVIOUS APPROVAL OF THE MINUTES)

Councilmember Swinson made the motion, seconded by Councilmember Hardy and upon a roll call vote (Councilmembers Aiken, Suggs, Hardy, and Swinson – Yes) [4-0], the minutes for City Council meeting held on May 4, 2020, were approved.

ACTION AGENDA

- 1. Consider Adopting Ordinance for Capital Project Amendment – Second Point of Delivery (POD) (E9127) -----
Donna Goodson

Donna Goodson, Finance Director shared that the budget amendment is to increase the project budget by \$266,000 to complete the right-of-way-acquisitions for the remaining easements.

Councilmember Aiken reviewed that this project has been ongoing for about four years and explained that the second POD was an addition to the one line coming into the City (by the old Power Plant). This makes us more profitable for industries coming into the City. He asked if this is the last piece of land we needed to acquire, and Ms. Barwick confirmed that it was.

Councilmember Swinson made the motion, seconded by Councilmember Hardy and upon a roll call vote (Councilmembers Aiken, Suggs, Hardy, and Swinson – Yes) [4-0], the Ordinance for Capital Project Amendment-Second Point of Delivery (POD) was adopted.

**AN ORDINANCE TO AMEND THE
SECOND POINT OF DELIVERY CAPITAL PROJECT FUND**

WHEREAS, on March 7, 2016 the City Council Created the Electric capital project fund for the Second Point of Delivery, and

WHEREAS, it is necessary to appropriate expenditures necessary to fund the remaining easements required for the Second POD project. This appropriation will be funded with a transfer from the Electric Fund.

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

<u>Second Point of Delivery</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>Increase (Decrease)</u>
Revenues:			
Transfer from Electric Fund	\$ 5,217,514.00	\$ 5,483,514.00	\$ 266,000.00
Total Revenues	<u>\$ 5,217,514.00</u>	<u>\$ 5,483,514.00</u>	<u>266,000.00</u>
Expenditures:			
Construction 115 KV Transmission Circuit	\$ 3,418,689.00	\$ 3,684,689.00	\$ 266,000.00
Construct Breaker Station	\$ 973,700.00	973,700.00	
Engineering Fees	\$ 825,125.00	825,125.00	-
Total Expenditures	<u>\$ 5,217,514.00</u>	<u>\$ 5,483,514.00</u>	<u>\$ 266,000.00</u>

Adopted this 18th day of May, 2020

2. Consider Adopting Resolution for the Neuse River Basin Regional Hazard Mitigation Plan Update ----- Adam Short

Adam Short, Director of Planning, Code Enforcement and Inspections presented a resolution to participate in the update of the Neuse River Basin Regional Hazard Mitigation Plan and shared that the original plan was adopted in 2015. This will keep us in compliance with that plan and more importantly, it keeps us eligible for Federal and State disaster assistance. He related that they have shifted the model from a county approach to a regional one and this will keep us in participation.

Councilmember Aiken made the motion, seconded by Councilmember Suggs and upon a roll call vote (Councilmembers Aiken, Suggs, Hardy, and Swinson – Yes) [4-0], the resolution for the Neuse River Basin Regional Hazard Mitigation Plan Update was adopted.

**CITY OF KINSTON RESOLUTION ADOPTING THE
NEUSE RIVER BASIN REGIONAL HAZARD MITIGATION PLAN**

WHEREAS, the City of Kinston is vulnerable to an array of natural hazards that can cause loss of life and damages to public and private property; and

WHEREAS, the County and participating municipal jurisdictions desire to seek ways to mitigate situations that may aggravate such circumstances; and

WHEREAS, the development and implementation of a hazard mitigation plan can result in actions that reduce the long-term risk to life and property from natural hazards; and

WHEREAS, it is the intent of the City of Kinston City Council to protect its citizens and property from the effects of natural hazards by preparing and maintaining a local hazard mitigation plan; and

WHEREAS, it is also the intent of the City of Kinston City Council to fulfill its obligation under North Carolina General Statutes, Chapter 166A: North Carolina Emergency Management Act and Section 322: Mitigation Planning of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to remain eligible to receive state and federal assistance in the event of a declared disaster affecting the City of Kinston; and

WHEREAS, the City of Kinston actively participated in the planning process for the Neuse River Basin Regional Hazard Mitigation Plan and has prepared a regional hazard mitigation plan update with input from the appropriate local and state officials; and

WHEREAS, the North Carolina Division of Emergency Management and the Federal Emergency Management Agency have reviewed the Neuse River Basin Regional Hazard Mitigation Plan for legislative compliance and have approved the plan pending the completion of local adoption procedures;

NOW, THEREFORE, be it resolved that the City Council of City of Kinston hereby:

1. Adopts the Neuse River Basin Regional Hazard Mitigation Plan; and
2. Vests the City Manager or his designee with the responsibility, authority, and the means to:
 - (a) Inform all concerned parties of this action.
 - (b) Cooperate with Federal, State and local agencies and private firms which undertake to study, survey, map, and identify floodplain or flood-related erosion areas, and cooperate with neighboring communities with respect to management of adjoining floodplain and/or flood-related erosion areas in order to prevent aggravation of existing hazards.
3. Appoints the City Manager or his designee to assure that, in cooperation with the other participating jurisdictions, the Hazard Mitigation Plan is reviewed annually and every five years as specified in the Plan to assure that the Plan is in compliance with all State and Federal regulations and that any needed revisions or amendments to the Plan are developed and presented to the City of Kinston City Council for consideration.
4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the 2020 Neuse River Basin Regional Hazard Mitigation Plan.

Adopted this ____ day of _____, 2020.

(THIS ITEM WAS VOTED ON OUT OF ORDER)

Councilmember Hardy made the motion, seconded by Councilmember Suggs and upon a roll call vote (Councilmembers Aiken, Suggs, Hardy, and Swinson – Yes) [4-0], the site plan for the renovation of Emma Webb Park was approved.

**4. Consider Request to Approve Application for a \$350,000 PARTF (Parks & Recreation Trust Fund) Grant ----- Corey Povar
(THIS ITEM WAS VOTED ON OUT OF ORDER)**

Corey Povar, Director of Parks and Recreation asked for approval on a \$700,000 PARTF Grant with the City’s portion being \$350,000 on a dollar for dollar match.

Mr. Sears asked Mr. Povar to share his screen of the map showing what we were looking for and trying to do. Mr. Povar complied and stated that Emma Webb was completed in 1936 and we were due for some improvements. The map showed a proposed walking trail, the existing playground that they are looking at expanding, the opportunity for a green pavilion and garden space, and the open space.

Councilmember Aiken asked where the pool was to be located. Mr. Povar shared the future water feature in orange and was not included in this grant proposal. In discussion with the Planning Department, there are options for another grant opportunity to potentially do and help with the aquatics feature as well as the bathhouse. Mr. Aiken asked if the grant was all monetary or could it be in-kind to which Mr. Povar answered that our portion would be monetary. Mr. Aiken asked if they were thinking about having an entrance gate as pictured and Mr. Povar stated that it was included to point out that they were looking at a high-quality entrance to show that the park would be of high quality for everyone to enjoy.

Mr. Hardy asked if we were committing this amount of money for the lighting and the picnic area and still looking at the \$500,000 or \$680,000 cost of the pool. Mr. Povar said there was the possibility of securing a CDBG Grant (like the one used for Holloway) which has no matching responsibility and Planning is working on an application. He shared that he would hate to put in a feature and have a struggling park around it. We have a responsibility to have a park that is all-encompassing and felt that this was the new norm of what we would see in parks.

Mr. Sears stated we were talking about two ideas that could not converge at this time. With the PARTF Grant we can go after a water feature or the park, but not both at the same time. There are other grant opportunities available, but they are not anymore guaranteed than the PARTF Grant. He feels that it is easier to attempt to receive funding for a water feature through an alternate grant process. Mr. Sears said this project is around \$700,000 and the pool is around \$700,000 for a total of \$1.4 million. He said splitting the project into two parts was the best way moving forward but there was no guarantee that they would be approved.

Councilmember Aiken said he saw more people when the pool was there. Mr. Sears said they were trying to increase foot traffic and with the lighting to provide an ambiance this will help the dance, and gymnastics programs as well. He stated they were looking for quality over quantity and were looking for a way to have a more urban park inside the city center.

Councilmember Suggs had concerns regarding the bridge, the parking, the trench, and other amenities not being covered in the diagram. Mr. Povar stated those items would be discussed in his PowerPoint presentation. Mr. Sears added regarding the stream, there are grants for stream restoration and mitigation and they are looking to apply for other dollars to address that issue and noted that the open space will be addressed as well.

Councilmember Aiken asked when the application needed to be submitted. Mr. Povar said that it was June 1st.

Mr. Povar shared the PowerPoint presentation which included expanding the play area to create a destination for a playground experience. The water feature was to be determined (either pool or splash pad), plantings, and interesting water elements. He stated with the possibility of the CDBG Grant would assist with the renovation of the bathhouse with bathrooms and hoped to create a rentable event space that will allow us to make some money. Mr. Povar presented photos of a splash pad with differing water depths and natural water features that allowed water enjoyment for the entire family.

Councilmember Swinson asked if we would be looking to charge for the water feature in the future and if there would be any room to make changes. Mr. Povar acknowledged that these were up for discussions in trying to figure out ways to be as inclusive as possible and the best practices for use and cost.

Mr. Povar discussed the open space and indicated that planting grass and making the space event and user-friendly will make people want to have family reunions and visit and hang out. There are areas in the field that grading and making the low areas and making it a usable space for all the time for families that want to spend time or sit down and have a picnic. He cited that COVID-19 has pointed recreation efforts in different directions and one of them is creating open space and casual art space.

Mr. Povar shared information on the potential for the construction of a new pavilion and incorporating a children's garden in that space. Because we are an agriculturally focused area, this can be used as a teaching and programming area.

Next, Mr. Povar spoke on an example for the bridge that makes you can see from the road and makes you want to walk around the trail. There has been discussion on 2,000 linear ft. of the paved walking trail with a lot of lighting and distance markers are included. They have also priced out about six to eight pieces of exercise equipment to have along the trail.

Councilmember Aiken asked if there were handicap requirements in the grant. Mr. Povar said it did not specify those requirements, but to submit a competitive application they added the paving for accessibility for all abilities.

Councilmember Hardy questioned the placement of restroom facilities. Mr. Povar stated this was something to address with the CDBG Grant (the pool house) which will serve as our restrooms as well as the aquatic features. This is considered "Phase II" of this project. Mr. Sears stated unfortunately this is the same problem we have at Pearson Park; there are no outdoor facilities there either. However, unlike Pearson Park this park does have facilities there, we will just have to figure out how to open and not open. Mr. Povar stated that with minimal dollars

could be made usable for the park. It is in their plans moving forward. Mr. Swinson pointed out that in the gymnastics building there were bathrooms at one time. He asked if they were still there. Mr. Povar stated they were and with minimal maneuvering, we could create access to. Mr. Swinson shared that previously those bathrooms were open to the public during softball games.

Councilmember Aiken provided insight regarding future conversations on not having facilities downtown. Mr. Povar said moving forward he would be happy to look at ways to get restrooms either in Pearson Park or other locations downtown. Mr. Aiken shared that he was in favor of the pool at the start, thinking that would be the attraction, but the beautification can be an attraction as well; he could see it both ways. Mayor Hardy asked if he was correct in saying the time frame was for June 1st. Mr. Povar stated he was correct and he had to provide Council support and approval and support and approval for the site plan and to apply for the grant in this cycle, the application needed to be submitted by 5:00 pm on June 1st.

Councilmember Swinson asked if we moved forward, was this carved in stone; we can make changes once approved. Mr. Povar stated we do have options, but for the general plan, we would need to be close to the site plan.

Councilmember Aiken asked if we were able to reapply for the Zumba grant that was previously received for Pearson Park. Mr. Sears shared that it was a partnership grant and we were able to reapply.

Councilmember Swinson made the motion, seconded by Councilmember Suggs and upon a roll call vote (Councilmembers Aiken, Suggs, Hardy, and Swinson – Yes) [4-0], the request to approve the application for the \$350,000 PARTF Grant for Parks and Recreation with a \$350,000 was approved.

APPOINTMENTS

- 1. Consider Reappointment to Neuse Regional Water and Sewer Authority Board of Directors ----- Rhonda Barwick

Rhonda Barwick, Public Service Director shared that the City of Kinston has four voting members for the WASA Board, and they were Ms. Barwick, Councilmember Aiken, Steve Miller, and Bruce Parson (LCC). They are reappointed every three years and asked the Council to consider her reappointment to the Board.

Councilmember Aiken stated that WASA provided water to six different entities water and for three years in a row the water was designated the best water facility in the state of North Carolina. He shared that the decision for Social House Vodka coming here was our water. Mr. Aiken explained that the number of hookups determined the number of people on the board and we have over 11,000 hookups which is more than any of the other entities.

Councilmember Aiken made the motion, seconded by Councilmember Suggs and upon a roll call vote (Councilmembers Aiken, Suggs, Hardy, and Swinson – Yes) [4-0], the

reappointment of Rhonda Barwick to the Neuse Regional Water and Sewer Authority Board of Directors was approved.

**3. Appointment of Jeremy Barnett to the Parks & Recreation Commission (County)---
Corey Povar**

Corey Povar, Director of Parks and Recreation stated they were filling this County seat on the Recreation Commission.

Councilmember Swinson made the motion, seconded by Councilmember Suggs and upon a roll call vote (Councilmembers Aiken, Suggs, Swinson, and Hardy – Yes) [4-0], the appointment of Jeremy Barnett to the Parks and Recreation Commission (County) was approved.

CITY MANAGER'S REPORT

1. Mr. Sears discussed Phase II and III as the government continues to make changes, we are looking at and working in conjunction with Swim Club about how to go about opening the Water Park, the pool at Holloway, and summer camps. This is something that we do plan on doing. The earliest we are looking at opening pool facilities is +/- the second week of June. They are also looking at when we are released (depending on the regulations), how are we going about opening summer camps; how do go about breaking them up in smaller groups. We are looking at finding ways that are going to be creative. As parents begin to return to work, what do we do for child-care; that is a pressure that is still in our community and we want to find ways to be proactive in how we can help with that as best we can while meeting the restrictions. Mr. Povar added that we are trying to be creative in how we offer programming and opportunities for parents to bring their kids to a location as we would do in a typical day camp setup, but at the same time limiting the size of the groups. They will be rolling out some options for the summer and complying with COVID-19 regulations. Mr. Sears shared some of the ideas that included having smaller groups spread throughout the City to create separation rules that adhere to the regulations. Mr. Povar gave examples of small groups and some schedules of attendance that will allow us to serve a large group and not have large groups together. They are trying to serve all areas of the community and do it appropriately.

Councilmember Hardy asked if the temporary workers were scheduled to return to work. Mr. Sears responded that they will not return to work until we can offer the programs. They may come in several days before for safety training and instruction on how to adhere and respond to COVID-19 issues.

Councilmember Hardy asked Mr. Short where we were on the Holloway Project. Mr. Short said the notice to proceed was issued last week and they were mobilizing at the end of last week.

Councilmember Suggs stated she appreciated the optimism for summer programming. She said she will stand as firmly as possible, being as hesitant as possible on the likelihood of a resurgent of the virus. Ms. Suggs said she is not hopeful. She will become abreast of all the health advisories and protocols and make sure to address those regularly because she does not foresee it being a possibility this summer. Mr. Sears stated that the rules and regulations set forth by the State and Federal government will dictate what we do or do not do. He stated they may be to a restrictive point that we cannot, but we are moving forward, and if there is a way, we will try to find one. Mr. Povar to reiterate that we are trying to. We are trying to make sure that our parks are as clean and as ready to go as they can be. He constantly has the programmers exploring new options and staying up with the industry standards are and what the industry trends will be. The folks here are working as if we were opening tomorrow. Mr. Povar stated they are trudging forward optimistically in hopes that we can put our folks from programming out there and have them participate and are ready for when that day comes. Councilmember Hardy added that he is also concerned until we get more testing. He recommended everyone to be tested before opening or this may get out of hand. Councilmember Aiken asked if he meant starting with the staff.

Mayor Hardy shared that we may not go to Phase II and it is appreciated that everyone was looking forward to possibly the second week of June, but he doubted that would happen. He said in conversations he has had everyone thinks that if a wrong decision is made there will be a spike; from being in the ER he knows the cases are not decreasing. Mayor Hardy related that the three W's are real. He asked to keep in mind that hurricane season is here as well. He expressed his thanks to everyone for the work they do.

2. Mr. Sears started the discussion on budget meetings and hopes to have the packet to everyone by Friday at the latest. He shared that this was not pretty; there are tons of stuff not in the budget. With that, it is easily the hardest budget he has ever been a part of. He thanked his staff for the work they put into this budget. He said his preference was to have 2-3 staff presentations via Zoom to the Council preferably on the 26th-28th. After further discussion, the meeting was scheduled for Tuesday, May 26th from 5:30 pm until.

CITY ATTORNEY'S REPORT

There was no City Attorney's report.

MAYOR AND COUNCILMEMBER REPORTS

Councilmember Aiken stated the members of the Council have had conversations at different intervals with Mr. Short and Mr. Sears regarding the removal of abandoned/dilapidated cars on personal property. Some of the questions asked by citizens were can you get an extension – yes; and, is going in my backyard trespassing – Code Enforcement staff will knock but work days (8 am-5 pm) when owners may be at work or out. If no answer after knocking staff may enter the yard to place a sticker on the vehicle. Mr. Aiken noted that they notice immediately if there is 3 ft. of grass around the vehicle and suggested if a vehicle is disabled in your yard cut the grass around it, inflate the tires, etc. He stated you are allowed one untagged vehicle that is not an eyesore. Councilmember Suggs stated that most of these occurrences are neighbor initiated, not just for vehicles but for weed abatement and other ordinances as well. Her suggestion was to communicate with your neighbor before getting the City involved.

Councilmember Aiken asked Mr. Short to give some statistics on the number tagged and towed. Mr. Short said over the past 4-5 months there have been 198 cars, and of that 198 there was 91% compliance and only had to tow 18. Compliance means that either the car was made drivable or it was removed from the property by the owner. He added that this is an effort to clean up neighborhoods. In the same way they look at abandoned houses they look at abandoned cars as this is depressing on a neighborhood and they would like to do their part to help clean that up. Mr. Short expressed his appreciation for the level of compliance they have received so far. He added if you need more time please call him at 252-939-3269 and they will work with you. Councilmember Aiken directed everyone if they could not remember the number to look on the trash can and ask for Planning.

Councilmember Swinson instructed all citizens with questions on ordinances or other information, please use 252-939-3282 and they will guide you to the department you need.

Councilmember Suggs shared that there was a petition on change.org that some seniors have generated trying to get the support of the City if they could have a parade. She stated this is not a challenge, they are just trying to garner support. They are rightfully in their feelings and would like the opportunity to showcase that they have reached this milestone in their life and get the support of everyone around them. She will talk with them more and reiterated that it is not a challenge, just a reach for support. She stated if the park and camps can be a possibility, then hopefully somehow, we can bring this to fruition for these high school seniors across our county to be able to showcase their achievements. Mayor Hardy asked if this was a car parade and if so, he thought this was a good thing. He suggested getting with Mr. Sears, Chief Dilday, and Chief Locklear. Ms. Suggs said they do have a letter addressed to the Mayor and the City Manager and she was proud of them. Councilmember Hardy says that this idea was brought to him as well. Chief Dilday said this is something that the Police and Fire Departments have been involved in every weekend. He stated he would be glad to participate.

Councilmember Suggs encouraged everyone to please complete the bus route survey that has been extended to the end of this month. This survey takes about 4 minutes to complete.

Councilmember Aiken asked that we check on our neighbors and our Senior Citizens.

ADJOURNMENT

Mayor Hardy recessed the meeting at 8:29 pm until Tuesday, May 26, 2020, at 5:30 pm.

Respectfully submitted,

Debra Thompson, City Clerk