

Minutes

Kinston City Council
City Hall · 207 East King Street

Monday, July 15, 2019

Work Session at 5:30 pm · Regular Meeting at 7:00 pm

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

Mayor Don Hardy called the meeting to order at 5:33 pm.

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.

Motion made by Councilmember Robert Swinson, seconded by Councilmember Kristal Suggs and after a unanimous vote [4-0] the agenda was adopted.

ITEMS FOR DISCUSSION

1. Consider adoption of a Resolution authorizing the City Manager to execute an extension to the lease agreement with AT&T for water tank #1-----Steve Miller

Steve Miller, Asst. Public Services Director stated that the agreement for AT&T cellular equipment located on the water tower next to Grainger Stadium expires in 2021. AT&T has asked to extend the lease for a minimum of five years with an option to add two five-year extensions. This totals a 15-year lease extension. Annual payment in the first year of the lease (2021) would be \$37,778.65. The rent would increase with each 5-year renewal by 15% if AT&T chooses to continue with renewals.

Mayor Pro Tem Felicia Solomon arrived at 5:37 pm.

2. Consider adoption of a Resolution authorizing the City Manager to execute a Locally Administered Project – State Contingency Agreement with NCDOT to allow for improvements to the ditch near Massey Drive -----Steve Miller

Steve Miller, Asst. Public Services Director stated this neighborhood is located behind Sale Auto Mall and the City has worked extensively on issues with a drainage ditch that collects a large amount of water on one side of the neighborhood. Mr. Miller shared that the water is from the Hwy. 258 corridor and is not a ditch typically maintained by the City. Due to the residents paying stormwater fees, the City has tried to come together and accomplish a project with D.O.T. to address the erosion issues. The City offered to match funding with D.O.T. and maintain the ditch in the future with the residents allowing easements to their property. In May, the General Assembly passed a bill to provide \$177,640 which will cover 100% funding of the project (City and D.O.T.

portions). Mr. Miller related that cost to the City would be utility relocation and the cost of recording the easements. Upon the passing of the resolution, residents would be revisited to secure easements and the bid process would begin.

Councilmember Tyson asked if problems with this ditch were discussed several years ago. Mr. Miller stated this has been an ongoing issue, with no work being done by the City due to funding to address it being unavailable.

Councilmember Tyson asked if similar issues in the neighborhood off Cunningham Road near NC State property had been resolved. Mr. Miller related NC State allowed the City to temporarily to pump discharges from the ditch across their property. The City installed a large pipe from the side with flooding issues to the other side of the subdivision, connected to a stream that drained away and that has been working well. The staff continues to maintain the ditches along both sides.

Councilmember Swinson asked for clarity regarding Adkin School area and the ditch project with NC State. Mr. Swinson stated residents were complaining of rodents, snakes, etc. and asked if we needed permission from NC State to cut the area. He shared that the project was to assist with stream flow and was not doing so. Mr. Miller answered that we can cut overhang and certain areas, but there were restrictions closer to the stream. We would need to ask the Eco-System Enhancement Program for modifications or exceptions for any additional cutting.

3. Consider approving bid to Volt Power, LLC in the amount of \$740,464.35 which includes a 15% contingency (\$96,582) to upgrade electric circuits 510 and 521 --- Rhonda Barwick

Rhonda Barwick, Public Services Director shared that plans from the FY 19 budget that circuits 510 (Hardee Road area), 516 (hospital), and 521(Cunningham Road substation) were to be upgraded. These were combined as one project to take benefit of the engineering firm and after review by the firm, we were informed that the 516 circuit should be separated from the hospital and upgrade the other two circuits. She stated the project budget will be used to upgrade 510 and 521 and any remaining funds will be returned to the Electric Fund Capital Projects. Mayor Hardy asked for clarification on connecting the two circuits. Ms. Barwick shared they will be extended and not physically connected but will allow switching in case of an outage.

Councilmember Aiken asked for an update on the POD. Ms. Barwick related that work on finalization of easements is in process and once completed the bid process for transmission will begin. After the bids it will be approximately 12-16 months for completion. James Cauley, City Attorney shared within the timeframe of the next two meetings there would be information before the Council to go forward with the next step.

Councilmember Tyson inquired about load management handling in the upcoming high temperatures. Ms. Barwick explained that the City’s load management program is designed to lower our peak demand that we are billed at. The industrial base here participates in load management with generators that are used during peak demand and circuits are upgraded as areas within the city have an increase in development. Mr. Tyson asked if the Smart-Grid assisted in managing the peak demand. Ms. Barwick shared that Smart-Grid would allow more inclusion of residential customers to participate in load management; they are now allowed credit for heat strips and hot water management. After the billing issues, meters, and meter reading in place then a load management piece will be implemented. She shared that an intern is working on a policy for load management as well as the different credits, etc. that will be offered for participation in load management.

Councilmember Tyson asked if Ms. Barwick would explain the procedures for customers with larger bills for payment management. Ms. Barwick stated if the customer receives a bill that is outside their budget, please call right away so that the bill can be spread out over two to three months. She added if an arrangement is made, please try to adhere to it because that determines if you are granted additional arrangements.

Councilmember Aiken shared some of the issues encountered by Charlotte with the Smart-Grid which caused additional funds to be used and asked if the market had stabilized. Mr. Sears, City Manager shared that Charlotte’s system was implemented in different sections of the city at different times which caused issues with different ages of meters, software, etc. He stated we are implementing our system as a full rollout and everyone will have the same meters, same software and that we would not have those issues here.

Mayor Hardy asked what Ms. Barwick’s thoughts were on underground power versus poles. Ms. Barwick stated underground lines were much more expensive related to troubleshooting and repair.

Councilmember Aiken asked if the Electric Lineworkers were sent to other cities during hurricane season. Ms. Barwick stated we use ElectriCities Mutual Aid Agreement and available staff are sent as requested if possible.

- 4. Consider the re-appointment of Stephen W. Miller to the Neuse River Water and Sewer Authority Board of Directors ----- Rhonda Barwick

Rhonda Barwick, Public Services Director stated that Mr. Miller has served for several years and is presently Vice Chairman of the Board of Directors and serves on the Finance Committee and asked that he remain on the board. She shared that Kinston has four

voting members on the board and the additional members are Mr. Sammy Aiken, Mr. Bruce Parsons and herself. Mr. Tyson asked the composition of the board and Ms. Barwick stated the board is made up of seven member entities and the voting number is determined by the number of active customer connections you have. Mr. Tyson stated that at one time our numbers were decreasing and asked if they were stabilized. Ms. Barwick stated you would need to keep 11,000 active customer connections in order to keep four members on the board and we do have those.

5. Organization Support Appropriation Application Guidelines ----- Donna Goodson

Donna Goodson, Finance Director related that the Council requested at the June 3, 2019 City Council Meeting that procedures and guidelines be established to ensure that funds are appropriated and spent for the statutorily authorized public purposes per NC Constitutional and Statutory Authority and to establish standardized application guidelines to systematically and equitably award Organization Support Grants. Ms. Goodson shared the procedures and guidelines packet and submitted documents to be posted on the City's website for organizations to complete for consideration of Organization Support Appropriations. The Council will be responsible for awarding the grants and allocating the amount appropriated to the Organizational Support expense line item per the current fiscal year operating budget ordinance adopted by June 30, 2019. Ms. Goodson requested approval of the Organization Support Appropriation Application Guidelines probably to be effective with the 2021 FY budget.

Councilmember Tyson expressed that his preference would be to not have information sent to the City Clerk by name, but to a generic "city" email address. Ms. Goodson stated this could be done.

6. Declaration of Intent to Reimburse Expenditures FY20 Capital Outlay --- Donna Goodson

Donna Goodson, Finance Director shared that according to the Reimbursement Resolution adopted January 2, 1996, the City Manager or Director of Finance must declare the official intent to reimburse certain expenditures with proceeds of debt to be incurred by the City prior to, or within sixty (60) days of payment of the expenditures to be reimbursed.

In accordance with the annual budget ordinance adopted on June 17, 2019, the City anticipates incurring certain expenditures prior to the issuance by the City of tax-exempt obligations in the form of installment purchase contract and other notes payable in an approximate amount not to exceed \$924,546.

It is the expectation we will seek a Request for Proposal (RFP) to finance the rolling stock and equipment in the FY2020 budget year with the first payment due in FY2021.

Councilmember Aiken asked if this, being an election year would need a payment this year to the Board of Election. Mr. Sears stated it would and the payment is made every other year. Mr. Aiken asked the cost and was told by Mr. Sears that normally it is around \$30,000. Mr. Sears stated this was to cover all expenses of an election and Councilmember Tyson added that the amount also includes meals.

- 7. Resolution Authorizing the Sale of Real Property to the 1901 Building Group ----- Adam Short

Adam Short, Director of Planning & Inspections delegated the presentation of information to Marcia Perritt, Community Development Planner. Ms. Perritt stated the Adopt-a-Vacant Lot definition and criteria to adopt. She provided information of the resolution for the first formal request for adoption for the program. The lot is formerly vacated and located along the Riverwalk in the Arts & Cultural District and the 1901 Building Group (non-profit) has been the steward of the lot. She shared that the organization would like to continue their ownership and install a public art installation on the lot. Ms. Choci Gray is a key board member of the organization and was in attendance to provide answers to any questions from the Council. Other board members are Sonny Bannerman, Vick Jones, Eric Cantu, and Dick Knight. She shared that there is a stipulation in the resolution that the lot must be used for public art.

Ms. Perritt related that after approval there is a 10-day notice period after which the conveyance can move forward. Mr. Cauley stated this matter would not have to come back before Council for approval if approved tonight.

- 8. Consider Approval of the Pride of Kinston Selection of Queen Street Christmas Decorations ----- Leon Steele
(THIS ITEM WAS MOVED FROM THE MANAGER’S REPORT)

Leon Steele, Pride of Kinston discussed the search for Christmas decorations to be displayed on Queen Street. Mr. Steele presented and compared the usefulness, quality and visual effects of the different items he and Ms. Rhonda Barwick considered. He shared that the selected ornaments would be placed at five intersections (Lincoln, Shine, Caswell, Gordon and North Streets) with one ornament on each corner of the intersection for a cost of \$30,000. Mr. Steele shared that this would allow for other items to be purchased and used to fill-in other areas in the future.

Mr. Sears, City Manager discussed the Queen Street Streetscape and the tie-in of the ornaments with the installed up-light abilities on Queen Street. He explained this was not the finished product for decorations and shared that Mr. Steele has been awarded over \$50,000 from the State for other things at Pearson Park. Mr. Sears stated funds were not

currently in the budget, but Ms. Barwick has funds available in the Electric Fund budget that could be used and would be allocated.

Councilmember Aiken asked Ms. Barwick to end the rumor that the Christmas lights were charged to the customers. Ms. Barwick related that the consumption was measured and paid out of the Electric Fund. They were not charged back to customers.

Mayor Hardy asked if the selection of the decorations was geared toward a future request to change the time of the Christmas Parade to the evening. Mr. Steele shared that this would coincide with the Pearson Park activities later the night of the parade.

Mr. Sears clarified that Mr. Steele would be proposing to the City a change of time for the parade to an evening/sunset style parade as well as request to move the parade up one weekend (the first weekend of the month). He stated he has asked that being a Pride event, the request should be presented to Council as soon as possible to allow surrounding communities ample time to reschedule their events if they chose not to have theirs on the same day as Kinston.

Councilmember Aiken stated the parade was moved to mornings to combat criminal activities that were encountered in the past with the parade in the evening. He stated if changed and there was an uptick of crime it would possibly be changed back to mornings. Mayor Hardy said he was certain there would be a strategic plan with law enforcement in place for the event. Ms. Suggs indicated this would be a good time to consider the possibility of installation of downtown cameras since there were concerns regarding vandalism and other criminal activity.

Councilmember Aiken asked if Pride of Kinston was contributing any funds toward these endeavors and if there were any planned fundraiser(s) for the Queen Street decorations. Mr. Steele said there were not and stated they received \$50,000 from Senator Perry and Representative Humphrey earmarked for decorations in Pearson Park and would not be used for Queen Street. Mayor Pro Tem referred to the excitement regarding last year's fundraising campaign to light Pearson Park. Mr. Steele asked the Council to approve the selection made for Queen Street Christmas decoration.

PRESENTATIONS AND INFORMATION

1. Councilmember Swinson asked for an update of the Queen Street project.

Mr. Short explained that the project was either at or ahead of schedule. There are areas of temporary striping and reminded everyone that D.O.T. will pave the street once the

project is done. He stated that parking spaces were ample, the spaces did not impede the travel lanes and encouraged everyone to go out to look at the progress.

Councilmember Swinson asked if there were funds for the murals discussed previously and if there was any other pavement to be torn up for repaving. Mr. Short stated there were no funds for the murals and some demolition is slated for South Queen Street. Initially there were four intersections slated to be concrete. The ones on South Queen have not been completed. This was rescheduled to allow for completion of the sewer work on Springhill and provide a local route to get through South Queen if needed. Once North Queen is completed by Charles Hughes, work will begin on South Queen Street. He shared that there is also one more center concrete median to be poured at North Street and that Caswell, Shine and Lincoln Streets will each have a median upon completion of the project.

Mayor Hardy asked for a projected date of completion of the project. Mr. Short communicated that the projected date was August depending on the weather and related that they would attempt to pour the last two concrete medians simultaneously. This will involve demolition and setup, but traffic flow will resume in seven days after the concrete is poured. He stated he will provide updates of any changes and this timeframe should allow D.O.T. to come in to resurface the street and Queen Street to be opened before the season ends.

Mayor Pro Tem Solomon asked if there was a projected date for D.O.T. to begin work on the bridge. Mr. Short stated there were some delays but were expecting D.O.T. to move forward in approximately one month and he will provide updates on that as well.

Councilman Aiken expressed concerns regarding cars backing into traffic on Queen Street and the lack of concrete strips to assist in not hitting the curb. Mr. Short stated during his visit he had plenty of space to park. He also related that because of the angle there would be only one tire to hit the curb with the curb acting as a curb stop. Mr. Sears added that the curb stops are essentially the same height as the curb.

Mr. Sears requested a closed session to discuss a personnel issue and Mr. Cauley added an economic development issue.

CLOSED SESSION

Councilmember Swinson made the motion, seconded by Councilmember Aiken to enter closed session per North Carolina General Statute 143-318.11(a)(4): Discussion of Economic Development and North Carolina General Statute 143-318.11(a)(6): Discussion of Personnel at 6:20 pm and upon a unanimous vote [5-0], closed session was entered North Carolina General Statute 143-318.11(a)(4): Discussion of Economic

Development and North Carolina General Statute 143-318.11(a)(6): Discussion of Personnel at 6:20 pm.

Councilmember Swinson made the motion, seconded by Councilmember Aiken and upon a unanimous vote [5-0], the Council returned to the Work Session at 6:43 pm.

Mayor Hardy recessed the meeting at 6:43 pm to return at 7:00 pm for the Regular Meeting.

RECESS UNTIL 7:00 PM - REGULAR MEETING

REGULAR MEETING

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

Councilmembers Sammy Aiken, Joseph Tyson, Kristal Suggs and Mayor Pro Tem Felicia Solomon were present.

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

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

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.

1. Jim Godfrey, 1904 Pawnee Drive, Kinston. Mr. Godfrey shared that he was wearing two hats tonight. He expressed that he wanted to thank Rhonda Barwick and staff from Public Services for preparing and serving a meal at Mary's Kitchen. Also, the following Monday they delivered food and cash and wanted the Council to know how well they did, and their efforts were very much appreciated.

Mr. Godfrey shared that as a citizen he would like for the Council to investigate a solution to recycling electronic equipment within the community. He stated he understood these items are now thrown into the landfill and he did not think that was acceptable. He shared there was an organization in the Triangle that takes computers and refurbishes them. The organization will provide a recycle day for the City and he hopes this will be considered.

Mr. Godfrey shared that his perspective was that the City stopped funding any other recreation projects until our parks, ball fields, and playgrounds are brought up to the standards that everyone would be proud of and the children would enjoy. He asked the Council to tour the areas to see what we have and see how it needs to be repaired.

Mr. Godfrey thanked the Clerk for her attention and assistance with issues he shared regarding the City’s website.

Mr. Godfrey asked that the Council and all speakers speak directly in the microphone for the citizens at home who watch the meetings as they are televised.

Mayor Hardy thanked Mr. Godfrey for his comments.

- 2. Lissette Kornegay, 2712 Carey Road, Kinston. Ms. Kornegay shared that she has started a fundraiser for the downtown Kinston storefront windows. She stated the purpose of the storefront windows programs (displaying portraits) was to pay honor and tribute to Kinston’s African American musicians that have made a great mark in the community and the world. The windows were vandalized and of 35 portraits, 11 remain. She shared that to her these portraits were portraits of hope and let anyone know that coming from a small town know you can have big dreams. Ms. Kornegay noted some of the names that are well known for their music worldwide. She stated she appreciated the Music Park, but there were many individuals not aware it is there. The fundraiser is to restore the portraits and can be found on her Facebook page.

Councilmember Aiken shared that the NC Cultural Arts Department funded the portraits with a time limit for them to remain in the windows. He stated he thought they were in the process of removing the portraits because of the limit of six months to a year. He agreed they brought attention and interest to the area and suggested contacting with the NC Cultural Arts Department. Mr. Aiken also related most of the portraits were on vacant storefronts and he would rather see more businesses downtown. He stated he would like to possibly implement a portrait project in the African American Music Park.

Mayor Hardy thanked Ms. Kornegay for her comments.

MINUTES

Consider approval of the minutes of the City Council meeting held on June 17, 2019 ----- Debra Thompson

Councilmember Suggs made the motion, seconded by Councilmember Aiken and upon a unanimous vote [5-0], the minutes for June 17, 2019 were approved.

PRESENTATIONS AND RECOGNITIONS

- 1. 2020 Census----- Kenneth Wilkins

Kenneth Wilkins, Partnership Specialist with the US Department of Commerce, Census Bureau Division (Atlanta Region) provided information packets and addressed the Council regarding the upcoming Census for 2020. Mr. Wilkins thanked Ms. Suggs and Mr. Sears for facilitating his appearance at this meeting, gave an overview of the census history and explained some of the benefits of the census. Mr. Wilkins shared that the census is constitutionally mandated and noted two things the census was about: power &

money. In the year 2000 the response rate in Lenoir County was 67%, in 2010 it was 75% and the Governor would like to see a response rate of 80-82% for 2020. Having a good count in 2020 could assist in possibly gaining a seat in Congress for North Carolina. He stated \$675 billion would come back to the states every year for 10 years based on the census figures, starting in 2021. He informed everyone that census data helps communities receive funding needed, businesses make data driven decisions on where to grow business and where to find new customers, grants are based on census data and there are many more benefits. Mr. Wilkins reiterated that the information gathered from the census is kept confidential for 72 years and numbers (no personal information) are available after that time. He stated by law census data cannot be used against anyone in a court of law and cannot be shared with any other agency.

Mr. Wilkins shared that postcards regarding the census will be mailed to each residence (not addressed to any individual) around mid-March and may be responded to via laptop, tablet, smart phone or request a form to be mailed.

Mr. Wilkins stated they are asking each entity to form a Complete Count Committee, which are committees composed of a broad spectrum of members of the community. He stated they will be training any committee formed and the committee is charged with creating a plan they feel is the best way to engage citizens to support the census.

Mr. Wilkins shared that they are hiring, and applications are available at: **USAJOBS.com** or **2020census.gov/jobs**. Census results must be presented to the president by 12/31/2020 and asked everyone to share the above employment information to assist with filling 5,600 available positions.

Councilmember Aiken discussed gerrymandering and was told by Mr. Wilkins they only produce the numbers.

Councilmember Suggs thanked Mr. Wilkins for coming and asked if committees were formed, was he seeking a proclamation to declare the commitment for the involvement, the dedication, and need for this type of process. Mr. Wilkins asked the Council to pass a Resolution for both the 2020 Census and the Complete Count Committee.

Councilmember Aiken asked about dogs chasing census workers and the varying hourly rates he was informed of in 2010 from city to city. Mr. Wilkins stated information published showed one North Carolina hiring rate. He stated there are aggressive dogs and possibly the committee would hire persons familiar with certain areas and the residents to provide more trust and ability to contact the residents.

Mr. Wilkins thanked everyone and Mayor Hardy thanked Mr. Wilkins as well.

Corey Povar, Director of Parks & Recreations added they are working with a representative from the census. He stated they will host a mobile hiring unit in Kinston Community Center parking lot with more information forthcoming regarding the date.

Mayor Hardy thanked Mr. Povar for his work and the information shared.

2. Kinston Teens ----- Chris Suggs

Chris Suggs, Founder/CEO explained the function of Kinston Teens’ organization and presented information on the upcoming 5th Annual Youth Summit. Mr. Suggs shared that the event would be held Thursday-Sunday. On Thursday-Open Mic Event, 6-9 pm at Kinston Arts Center to include Chanice Lee (bestselling teen author); Friday-Community Service Projects at Kinston Teens Vision Garden and other locations, Saturday-Youth Summit, 9am-3 pm. hosted at Rochelle Middle School (for middle school to college aged students); Council members and City Staff are invited for lunch from 12-1 pm and Sunday-Church at Faith Tabernacle United Holiness Church on Adkin Street at 11 am.

Mayor Hardy thanked Mr. Suggs for coming out to share the information.

3. Retirement Ernest Wilson (Environmental Services)----- Rhonda Barwick

Ms. Barwick recognized Ernest Wilson on his retirement with 30 years of service. Mayor Hardy read and presented a plaque to Mr. Wilson and thanked him for his dedicated years of service to the City.

Mr. Wilson thanked the City for his years of service.

4. Brian Hamilton Foundation----- Tom Bennett

Tom Bennett, Vice President of Affairs shared that the foundation is fully funded and provides free education on entrepreneurship. Mr. Bennett provided the history of the Brian Hamilton Foundation and stated the foundation is now focusing on entrepreneurships for all. They are offering to teach basic entrepreneurship skills to veterans, kids, and now have free online classes (Starter You). He stated growing businesses may be a great opportunity to help grow the community and getting into the school system to change the mindset through education is very important.

Mayor Hardy asked for a snapshot of some of the businesses he was referring to, Mr. Bennett shared an example of Inmates to Entrepreneurs where the businesses normally rotate around service position and require less than \$1,000. They help individuals understand what it takes to start a small business; how to market, manage people, hire people; provide information regarding laws, how to sell, etc. He would like to get buy-in from the community.

Mayor Pro Tem Solomon asked for more details regarding the Hamilton Challenge (7-day journey). Mr. Bennett said this is the maxim timeframe used through their portal where videos are watched, create dialogue regarding what a service is and at the end, they are offered opportunities to pitch their business. The programming is an actual overlay of the school curriculum. Ms. Solomon asked if there were any school systems he has worked with in Eastern North Carolina. He stated they were in Brunswick, Wake, and other counties and he would get the information to the Council. He stated some work is done in middle and high school.

Councilmember Aiken related that there is an incubator located here and suggested Mr. Bennett working with Pride and LCC. Mr. Bennett stated working with someone longer and those that may not know what entrepreneurship is, includes everyone; it is not for youth, veterans, or inmates only and the education is free.

Councilmember Suggs asked for the timeline for initiation after inquiry from individuals. Mr. Bennett stated he typically has at least one day every two weeks in the area; with higher demand he could see spending one day per week.

Mayor Hardy asked for some insight on what Kenyari Fields has initiated and Mr. Bennett explained that Mr. Fields was assembling a small group for him to meet later in the month. He related he is willing to meet with other organizations, groups or individuals that are interested. He stated the Inmates to Entrepreneurs program is very strong and if there is a need here that would be great as well. Ms. Suggs shared that we are in the process of forming the Kinston/Lenoir County Re-entry Program.

Mr. Bennett shared his contact information: 203-858-0184 (cell) and tomb@brianhamilton.org (email).

CONSENT AGENDA

All items listed below are routine and will be enacted by a single vote. There will be no separate discussion of these items, unless a Councilmember so requests, in which case the item will be moved to the end of the Action Agenda.

- 1. Consider adoption of a Resolution authorizing the City Manager to execute an extension to the lease agreement with AT&T for water tank #1----- Steve Miller

**RESOLUTION BY CITY OF KINSTON CITY COUNCIL
APPROVING AMENDMENT TO CO-LOCATION AGREEMENT**

WHEREAS, The City of Kinston operates and maintains an elevated water tank at 1113 North East Street, more commonly referred to as Tank #1, and
WHEREAS, The City of Kinston has an existing Co-Location agreement with New Cingular Wireless (AT&T) for the placement of telecommunication antennae and associated equipment on city property at this location, and
WHEREAS, New Cingular Wireless has requested to extend the lease agreement for a minimum of five years and a maximum of fifteen years.

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

That, the City of Kinston City Council hereby authorizes the City Manager, or his designated representative, to execute the Second Amendment to the Co-Location and License Agreement and associated documents between the City of Kinston and New Cingular Wireless.

Adopted this the 15th day of July, 2019, at Kinston, North Carolina.

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting City Clerk of the City of Kinston does hereby certify: That the above/attached resolution is a true and correct copy of the resolution adopted at a legally convened meeting of the Kinston City Council duly held on the 15th day of July, 2019; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of July, 2019.

Debra Thompson
City Clerk

- 2. Consider adoption of a Resolution authorizing the City Manager to execute a Locally Administered Project – State Contingency Agreement with NCDOT to allow for improvements to the ditch near Massey Drive-----Steve Miller

**RESOLUTION BY CITY OF KINSTON CITY COUNCIL
LOCALLY ADMINISTERED PROJECT – STATE CONTINGENCY AGREEMENT**

WHEREAS, The City of Kinston and North Carolina Department of Transportation have partnered in an effort to make stream improvements near Massey Drive within the City of Kinston corporate limits, and

WHEREAS, The North Carolina General Assembly has appropriated \$177,640 for completion of these improvements, and

WHEREAS, The appropriated funds will be disbursed from NCDOT to the City of Kinston under the terms of a Locally Administered Project – State Contingency Agreement for WBS Element 48779.

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

That, the City of Kinston City Council hereby authorizes the City Manager, or his designated representative, to execute the Locally Administered Project – State Contingency Agreement, and associated documents for WBS Element 48779.

Adopted this the 15th day of July, 2019, at Kinston, North Carolina.

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting City Clerk of the City of Kinston does hereby certify: That the above/attached resolution is a true and correct copy of the resolution adopted at a legally convened meeting of the Kinston City Council duly held on the 15th day of July, 2019; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of July, 2019.

Debra Thompson
City Clerk

- 3. Consider approving bid to Volt Power, LLC in the amount of \$740,464.35 which includes a 15% contingency (\$96,582) to upgrade electric circuits 510 and 521 --- Rhonda Barwick
- 4. Consider the re-appointment of Stephen W. Miller to the Neuse River Water and Sewer Authority Board of Directors ----- Rhonda Barwick
- 5. Organization Support Appropriation Application Guidelines ----- Donna Goodson
- 6. Declaration of Intent to Reimburse Expenditures FY20 Capital Outlay --- Donna Goodson
- 7. Resolution Authorizing the Sale of Real Property to the 1901 Building Group ----- Adam Short

**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 property in the City of Kinston, Lenoir County, North Carolina, located on W Blount St and bearing Lenoir County Tax Parcel no. 452513137942 (“the Property”); and,

WHEREAS, the City Council of the City of Kinston has no further need or use for said property, and it would be in the best interests of the citizens of the City of Kinston for said real property to be sold; and,

WHEREAS, the City of Kinston is authorized to convey the Property by private sale to a non-profit entity carrying out a public purpose pursuant to N.C.G.S. 160A-279; and,

WHEREAS, The 1901 Building Group is a non-profit entity carrying out a public purpose and the proposed use of the property will further a public purpose, namely the installation of public art; and,

WHEREAS, the City of Kinston seeks to convey the Property to The 1901 Building Group at a negotiated price; and,

WHEREAS, N.C.G.S. 160A-267 sets forth the procedure for disposing of property by private sale and requires the adoption of a resolution and the publication of a summary of the same prior to sale of the property; and,

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

- 1. The City Manager is authorized to dispose of the Property by private sale to The 1901 Building Group at a negotiated price to use the property for a public art installation.
- 2. The City shall cause a summary of this Resolution to be published in the Kinston Free Press and no sale shall be consummated until 10 days after its publication.
- 3. The City Attorney shall cause a deed to be prepared from the City of Kinston to The 1901 Building Group containing provisions restricting the property to uses that further one or more public purposes and shall be authorized to tender the deed upon payment of the purchase price by the buyer.

4. 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.

ADOPTED, this 15th day of July, 2019.

CITY OF KINSTON

(SEAL)

By: _____
Debra Thompson, City Clerk

- 8. Consider Approval of the Pride of Kinston Selection of Queen Street Christmas Decorations----- Leon Steele
(THIS ITEM WAS MOVED FROM THE CITY MANAGER’S REPORT)

Councilmember Aiken made the motion, seconded by Councilmember Tyson and upon a unanimous vote [5-0], the consent agenda items listed above as 1-8 were approved.

ACTION AGENDA

- 1. CUP Request – 180’ Wireless Communications Tower--**Public Hearing**----- Adam Short

Adam Short, Director of Planning and Inspections shared that Jim LaPann requested on behalf of Cellco Partnership to construct a 180’ wireless facility. The facility is proposed to be located on the rear portion of 104 West Peyton Avenue. He stated the property is zoned B-2 (Central Business District) which allows for the wireless facilities with an approved conditional use permit. Based on staff’s review with the six criteria listed in the documentation, the request qualifies for a conditional use permit.

Mr. Short stated that Section 7.9.5.2 of the City of Kinston UDO requires that the wireless structure shall be set back from all property lines a distance equal to its engineered fall zone. As part of this request, the provided cover letter has a statement from the engineer regarding the fall limits of the facility. Zoning of the site has B-2 in all directions (North, South, East & West).

The Planning Board review the request and found that it met the standard of the ordinance for consideration for a conditional use permit; however, they conveyed their

concerns for how this would impact public safety, aesthetics of downtown, and potential impacts to adjacent properties and general harmony in the vicinity of the use.

Mr. Short shared the findings for the conditional use permit and referred to the items in the City of Kinston UDO Section 4.5.4.5 providing the additional considerations. He said there are some policy statements in our goals policies and strategies that may apply to the use in the City of Kinston's Land Use Plan; Policy 3 under Goal 1: to improve Kinston's perception, outlook and aesthetic appeal among residents and visitors, Policy 2 under Goal 2: to support a balanced and flexible economically viable pattern of land usage in Kinston is to strongly encourage a flexible mixture of uses in the Kinston area, Goal 7: support efforts to make downtown Kinston and its immediate vicinity a vibrant city center with a critical mass of residential population and an array of local businesses, and Goal 8: to provide safe for walking and cycling in Kinston and increase the availability of public transportation and support efficient flow of vehicular traffic. Mr. Short shared concerns and requested the applicant to address and verify the 30' fall radius line in relation to the sidewalk.

Councilmember Swinson stated we have other equipment from other vendors located on our water towers and asked why this structure has to be 180' tall making it one of the tallest structures in the City. He also asked what the purpose of it being so tall. Mr. Short stated it is one of, if not the tallest and the applicant would address the purpose.

Councilmember Tyson asked that each item in Section 4.5.4.5 be addressed by the applicant either during or after his presentation which states these are what the Council ensures before approval. He would like to also review the offset.

James Cauley, City Attorney explained the procedures to be followed in a quasi-judicial hearing.

Councilmember Tyson made the motion, seconded by Councilmember Tyson and upon a unanimous vote [5-0], the motion to enter the public hearing was approved at 8:10 pm.

Debra Thompson, City Clerk swore in the applicants and all others that would like to speak in favor or in opposition of the request.

Jim LaPann, Zoning Specialist, Faulk and Foster representing Verizon Wireless requesting to present the zoning to the Council and obtain permission to construct and operate a cell tower at the location presented.

Mr. LaPann clarified that all documents submitted are all part of the record and requested a confirmation that that information is accurate. Mr. Cauley stated that is was agreeable and if it was submitted, it was part of the record. He also clarified that speculative

assertions, expressions of opinion and generalized fears about the possible effects of granting a permit are insufficient to support the findings of a quasi-judicial body. He shared that he has presented evidence and will give testimonial evidence in addition. He will also have expert testimony from Michael Oglesby, a registered engineer in the state of North Carolina. Mr. LaPann stated anyone opposing his position in this matter would need to present at this time, to this body, at this hearing, competent evidence in opposition that would form the basis for denial of the application.

Mr. LaPann discussed the need, the safety of the tower and their full compliance with all requirements of the ordinance and submitted a prima facia case. He stated other coverage was needed to reduce dropped calls in the area and showed coverage area before and after the proposed tower.

Councilmember Swinson suggested using nearby water tower (Tank 1) and Mr. LaPann stated the location was not optimal (height or location) for their use.

Mayor Pro Tem Solomon asked if there was any consideration made to be “artsy” so that it is not such and eyesore. Mr. LaPann discussed the different “stealth towers” that are available and could be explored.

Councilmember Tyson asked if there were any air space restrictions and have they been explored and if not, requested that exploration be completed before a decision is made. Mr. LaPann asked if the request could be made a condition of approval (prove that the tower does not interfere with the air space restrictions).

Michael Oglesby stated he is a licensed professional engineer in the state of North Carolina. He shared that his area of expertise is the design, analysis and reinforcement of telecommunication structures much like we are discussing tonight. Mr. Oglesby informed everyone he has been involved in several hundred design projects of this nature and he is here to speak on behalf of Verizon Wireless as to the design process of the tower and the foundation. This tower will be designed to the latest building code adopted in this area. The building code references the design standard specific to telecommunication structures and the standard is called ANSI/TIA-222-G. Relating to the foundation of the structure, the process for proper design to withstand weather conditions would include a geo-technical study (exact soil samples from the site), analyze in a lab to determine the soil strength. Mr. Oglesby gave an example of the structure foundation based on soil parameters such as drilling down and filling the hole with rebar and concrete.

Councilmember Aiken asked if there would be any effects from the vibration of the train that runs in the area. Mr. Oglesby stated towers of this nature perform well and this

activity would be insignificant compared to forces that tower is designed to withstand (hurricanes).

Councilmember Tyson initiated discussion regarding the possibilities of having to utilize a larger area to increase the strength of the foundation. Mr. Oglesby answered that is not likely to happen and stated the primary way to increase the strength is to bore deeper into the ground.

Mr. Tyson asked if he would be guaranteed that no infrastructure to disrupted is located underground in the area. Mr. Short stated locates is part of the construction process. Mr. LaPann asked what the City owned that may be underground and was told the City has water and sewer lines underground. Ms. Solomon shared they would like to make an informed decision.

Mr. LaPann presented a surveying map and Mr. Cauley asked if this was consistent with the GIS map. When looking at both maps, there appears to be a difference in the two and he stated boundary lines are typically shown as a solid line and not a dotted line. Mr. Cauley also had questions regarding the fall zone and the restrictive covenants from the railroad. Mr. LaPann asked to hear from the opponents and asked for a continuance of the hearing.

Councilmember Swinson asked what the timeline for the project was and if they could look at the water tower. Mr. LaPann stated he would address to address the three issues: if the water tank was a possibility; could there be a guarantee that no utilities would be disturbed by construction; and analyze the deed.

Councilmember Aiken asked if the design would include any wires projecting outward and Mr. Oglesby related this was a monopole. Ms. Solomon asked Mr. LaPann to additionally address the possibility of different designs and Mr. Tyson asked for FAA regulations if any.

Ms. Harvey Wooten spoke in opposition and was concerned with the tower being in the vicinity of Queen Street Methodist Church. She requested Verizon reconsider the location of the tower to allow the area to retain the historical beauty.

Ms. Debbie Hardee spoke in opposition and stated she was sure a rural area could be found that would provide efficiency and not be an eyesore or be a danger to the public. She felt this would not add to the aesthetics positively of the skyline of Kinston.

Mr. Stephen Alford spoke in opposition and shared that he too is a member of Queen Street Methodist Church and asked if there would be any electrical interference for the church or any other businesses in the area.

Brandon Potter spoke in opposition and stated he owns property across the railroad from the proposed site and there are two residences. He questioned the length of construction, was there any monetary benefit to Kinston, has any pictures been presented to scale in a downtown setting of the proposed tower, and if the railroad was contacted regarding easements. He was also concerned with the noise level of the generator presented in the plans and hoped the Council would ask before this was approved. He feels that focus should be focused on aesthetics.

Councilmember Tyson shared that the City would not receive any money; this is between the company and the lease. He explained that this is a quasi-judicial proceeding that held strict rules to reach a decision.

Councilmember Aiken asked Mr. Potter the nature of the business he operated at his location. Mr. Potter stated he was looking mainly at the issue from an aesthetic standpoint. He asked Mr. Aiken to imagine this being right outside his door.

Mayor Pro Tem Solomon asked if the City Manager could show an example of tower to see if this is something that is doable. Mr. LaPann stated his objection to a picture being shown that has nothing to do with this site. Ms. Solomon stated this was in reference to the application and considering it is in the Art District it is still a cell tower. Ms. Solomon stated Mr. LaPann had given an oral description and she would like to share a visual description. Mr. Swinson asked if there was a specification drawing or a 3-dimensional. Mr. Cauley asked for an exhibit or a diagram that would show the scale in relation to the proposed tower.

Mayor Hardy proposed a continuance of the Public Hearing to September 16, 2019.

Councilmember Tyson made the motion, seconded by Councilmember Swinson and upon a unanimous vote [5-0], the public hearing was continued until September 16, 2019.

Mr. Sears shared a photo of a cell tower in an alternative form as requested by Ms. Solomon. Mr. Sears clarified that Ms. Solomon was requesting staff to research other outside of the public hearing to determine what other aspects could be possible.

2. Text Amendment Request – Bingo -- **Public Hearing** ----- Adam Short

Adam Short, Director of Planning & Inspections related William Shackleford requested an amendment to allow for Bingo as a permitted use by right in the I-B (Industrial Business) and I-1 (Light Industrial) zoning districts. The planning board recommended approval of the request.

CITY MANAGER’S REPORT

1. Christmas Decorations----- Leon Steele
(THIS ITEM WAS MOVED TO THE CONSENT AGENDA AS ITEM NUMBER 8)
2. There was no City Manager’s report.

CITY ATTORNEY’S REPORT

1. There was no City Attorney’s report.

MAYOR AND COUNCILMEMBER REPORTS

1. Councilmember Aiken referenced an accident at Carey Road and Hodges Road. There are trees blocking visibility and speed may also be a factor. He stated this may be something that Public Safety would look at. Mayor Hardy shared he was waiting to hear from D.O.T. regarding issues on four-lane Carey Road.
2. Councilmember Swinson asked Ms. Barwick if a resolution had been reached regarding residences at 2204 Rouse Road and on Briarfield regarding flushing the hydrants. Ms. Barwick shared that on Briarfield they would add concrete around the hydrant to see if that would possibly stop the erosion at the driveway. She stated Rouse Road is a D.O.T. Street and the customer (possibly before the present owner) at some point has put piping in the ditch and covered it with dirt. D.O.T. has taken the stance they will maintain their ditches, but if dirt is put in, it is the responsibility of the property owner. City staff have ascertained that there are some holes in the piping and that is causing sink holes in the front yard. Mr. Swinson stated the customer states she is getting different information from the City as well as D.O.T. He requested Ms. Barwick set up a meeting with D.O.T. and the customer to provide understanding of the issue.
3. Councilmember Aiken asked Ms. Barwick to clarify smoke testing process. Smoke testing is to determine if there are any holes in the sewer lines and is done periodically. Smoke coming from the ground indicates there are cracks. This assists in being able to make repairs before they grow larger.
4. Councilmember Aiken explained that the public hearing information can be found on the website and in the newspaper.
5. Mayor Hardy asked if we have the radar trailer and would it be possible to have some high intensity traffic enforcement on Carey Road and some additional checking stations. Major Spencer related that the radar trailer is out of service and could not be repaired. She stated they are looking at other options and have an agreement with the Sherriff’s Office to use theirs.

ADJOURNMENT

Councilmember Swinson made the motion, seconded by Councilmember Suggs and upon a unanimous vote [5-0], the Kinston City Council Meeting was adjourned at 9:30 pm.

Respectfully submitted,

City Clerk